

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7142 of 2016

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Shiv Kumar Singh, son of late Sudama Singh, resident of village-Mala, Post-Gurukul Mehian, P.S. Mufassil, District Chapra(Saran)

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna
4. The District Magistrate-cum-District Election Officer (Panchayat), Patna
5. Sri Suraj Kumar Singh, Block Development Officer, Manjhi-cum-Election Officer (Panchayat), Sadar, Chapra, Patna
6. The Circle Officer, Sadar Circle, Chapra
7. The Circle Inspector, Sadar Circle, Chapra
8. The Revenue Clerk, Sadar Circle, Chara through its Secretary.
9. Jitendra Singh @ Jhigan, son of Vijay Singh, resident of Surumpur, P.S. Silao, District Nalanda
10. The State Election Commissioner, Bihar State Election Commission, Patna
11. Santosh Prasad son of Kedar Prasad r/o- village Rathour Newaji tola P.O. Gurukul Mchian, P.S. Chapra Mufassil, District Saran, Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Adv.

For the Respondent/s : Mr. Rajiv Roy, G.P.5

For the State Election Commission: Mr. Amit Srivastava, Adv.
Mr. Sanjeev Nikesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-04-2016

Heard Mr. Rajendra Narain learned Senior Counsel for the petitioner, Mr. Rajiv Roy learned G.P.5 for the State and learned counsel for the State Election Commission.

The petitioner is aggrieved by the cancellation of his nomination from the post of Mukhiya, Gram Panchayat, Purbi Telpa, Chapra inter alia on grounds that the caste certificate presented by him

as belonging to the Dangi caste was held to be incorrect and was subsequently cancelled.

Following the order of this Court that a counter affidavit has been filed. The pleadings on record demonstrates that the petitioner is aged 63 years and it is for the first time in 2015 when he realised that he belongs to Dangi caste to apply for a caste certificate. Since the election was round the corner that a caste certificate was issued in favour of the petitioner pending of enquiry in this regard. The enquiry has concluded in a report present at Annexure E/4 to the counter affidavit of the State and reports a rejection of the claim of the petitioner of belonging to the Dangi caste. It is following the report that the caste certificate relied upon by the petitioner issued in this regard was also cancelled. Under the orders of the State Election Commission that the matter was enquired into by the District Magistrate, Patna and who has after hearing of the parties, upheld the opinion of the authorities that the petitioner does not come under the Dangi caste. There are other documents as well on record of the proceedings including an application of the brother of the petitioner present at Annexure-C /1 of the counter affidavit of the State in which he has stated that they belong to a Koeri(Kanaujia) caste, which comes under backward class category and not extremely backward caste category. It is also argued by learned State counsel and not

contested that the son of the petitioner has obtained appointment as a Panchayat teacher claiming to be Koeri (Kanaujia) caste. In fact despite repeated query from Narain, learned Senior counsel to produce any document to contest the stand of the State, there is nothing on record which would support the claim raised that the petitioner belongs to the ‘Dangi’ caste.

In the circumstances discussed, no case for indulgence is made out in the order of rejection of nomination. The writ petition is dismissed. The dismissal of this writ petition however would not preclude the petitioner to question the rejection of nomination before the forum so presented under the Bihar Panchayat Raj Act, 2006 and/or to establish his caste by taking recourse to the forum so available to him in law.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	
CAV DATE	
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