

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8397 of 2016

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Sunil Kumar, son of Radha Kant Prasad, resident of village-Siurama, P.S. Saraiya, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Bihar Government, Patna
2. The State Election Commission, through it's Commissioner, Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate cum District Election Officer, Muzaffarpur
5. The Sub Divisional Officer cum Election Officer, West Muzaffarpur
6. The Circle Officer, Saraiya, Muzaffarpur

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Nityanand, Advocate
For the Respondent/s : Mr. Madhuresh Prasad, GP-12
For the Commission : Mr. Amit Shrivastava, Advocate
Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-05-2016 None appears on behalf of the petitioner.

Heard learned counsel for the State and State Election Commission and perused the records.

The nomination of the petitioner to the post of Member, Zila Parishad, Muzaffarpur has been cancelled following the cancellation of caste certificate on 09.3.2016. The post in question is stated to be reserved for Extremely Backward Category while the petitioner is stated to be coming under the Backward Class Category. The petitioner claiming to belong to the Dangi caste which comes under the Extremely Backward Class Category, filed his nomination but on enquiry the caste certificate has been cancelled and has consequently resulted in the rejection of his nomination.

That the rejection of the nomination is on the basis of cancellation of the caste certificate, it becomes a debatable issue whether or not the petitioner in fact comes under the Extremely Backward Category.

In the circumstances, no cause for indulgence is made out at the present stage and the petitioner is at liberty to question the cancellation of nomination before the forum so prescribed under the Bihar Panchayat Raj Act, 2006 and the Rules framed thereunder. The petitioner would also be at liberty to question the cancellation of caste certificate before the appropriate authority.

The writ petition is accordingly disposed of with the liberty aforementioned.

(Jyoti Saran, J)

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