

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8421 of 2016**

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Manju Devi Wife of Sri Karilal Yadav Resident of village and P.O. Chapar, P.S. Rangra Chowk, District - Bhagalpur

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
2. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner
3. The State Election Commissioner, The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna
4. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna
5. The District Magistrate -cum- District Election officer ( Panchayat ), Bhagalpur, District Bhagalpur
6. The Block Development officer, Rangra Chowk - cum - Returning Officer (Panchayat Election ), Rangra Chowk Block, District Bhagalpur
7. Anita Devi Wife of Sri Binay Singh Resident of village and P.O. Sadhua, P.S. Rangra Chowk, District - Bhagalpur
8. Rani Devi Wife of Arun Kumar Mandal Resident of village and P.O. Sadhua, P.S. Rangra Chowk, District - Bhagalpur
9. Rina Devi Wife of Dilip Singh Resident of village and P.O. Sadhua, P.S. Rangra Chowk, District - Bhagalpur
10. Banmala Devi @ Banmala Singh Wife of Rajeshwar Yadav Resident of village and P.O. Sadhua, P.S. Rangra Chowk, District - Bhagalpur
11. Bimla Singh Wife of Raghubansh Singh Resident of village and P.O. Sadhua, P.S. Rangra Chowk, District - Bhagalpur

.... .... Respondent/s

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**Appearance:**

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Advocate  
For the Respondent/s : Mr. SHEO SHANKAR PRASAD, SC-10

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 20-05-2016**

Heard Mr. S.B.K. Manglam for the petitioner, learned counsel for the State and Mr. Amit Shrivastava for the State Election Commission.

A counter affidavit has been filed by the Commission. Let

it be kept on record.

The petitioner is aggrieved by the order dated 05.5.2016 of the State Election Commission whereby they have directed for re-polling on booth nos. 55 to 72 in Block-Rangra Chowk in the District of Bhagalpur stated to be for the post of Mukhiya, Gram Panchayat Raj, Sadhua Chapar.

The Foundation for the decision present at Annexure-4 rests on the complaint made by the private respondent no. 10 who is in contest for the post of Mukhiya and has made a complaint that her name in the ballot paper is printed as Vanmala Singh in place of Vanmala Devi which has confused the voters. The Block Development Officer has forwarded the complaint of the petitioner for appropriate decision by the District Magistrate cum District Election Officer and upon information being received by the State Election Commission that it has been decided to hold a re-poll vide the impugned order passed on 05.5.2016.

Mr. Manglam, learned counsel appearing on behalf of the petitioner has endeavoured to question this exercise on the ground that once the contestant has allowed the polling to be held, she can not raise any objection thereafter. It is the argument of Mr. Manglam that the time of objection would bear relevance for in case such objection was raised after the polling was over then it did not call

for any interference in the election.

Having heard learned counsel for the parties and considering the nature of complaint made by the respondent no. 10, in my opinion, the objection raised by Mr. Manglam to question the complaint on its timing is only taken to be rejected. In the admitted circumstances where the name of the contestant respondent no. 10 is admittedly wrongly printed, she has all legal right to question the default and her objection has rightly been accepted by the Commission to order for a repoll vide Annexure-4.

Finding no infirmity in the decision of the Commission which is completely in tune with the lawful prescription, the writ petition is disposed of.

S.Sb/-

(Jyoti Saran, J)

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