

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4911 of 2016

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Reeta Devi wife of Sri Jagdish Kumar Chaudhary, resident of village-Kajarain, P.S.-N.T.P.C. Khaira and District-Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Panchayat Raj, Govt. of Bihar, Patna (Bihar)
3. The Election Commission, Sone Bhawan, IV Floor represented through the Secretary, the State Election Commission, Bihar, Patna
4. The Secretary, State Election Commissioner, Bihar, Patna
5. The District

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Anirudh Kumar Verma, Advocate

For the State E.C. : Mr. Amit Shrivastava, Advocate
Mr. Sanjeev Nikesh, Advocate

For the State : Mr. Jai Shankar Barnawal, GA-5
Mr. Rajiv Kumar, AC to G.A.-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 11-03-2016 Heard Mr. Anirudh Kumar Verma, learned counsel for the petitioner, learned counsel for the State and Mr. Amit Shrivastava for the State Election Commission.

The petitioner makes a limited prayer for enrolment of her name in the Panchayat Election Voter List in respect of Kerka Panchayat falling in Block-Nabinagar in the District of Aurangabad.

Learned counsel for the petitioner while admitting that the petitioner was a voter in the Assembly Election in reference to the voter identity card present at Annexure-1, also submits that her



name was deleted from the Assembly Voter List and for which she has filed an application in the prescribed format in the Assembly Voter List which application was filed on 11.1.2016 and has the recommendation of the Panchayat Secretary. He submits that this application has not been acted upon and thus her name does not find mention in the Panchayat Voter List.

Mr. Amit Shrivastava, learned counsel for the State Election Commission with reference to Section 126 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') submits that until such time that the elector is a voter in the Assembly Election or files an appropriate application to such effect in Prapatra (५) in terms of the guideline issued by the State Election Commission no steps can be taken for such inclusion by the District Election Officer. He further with reference to the guidelines issued by the State Election Commission on 09.3.2016 addressed to all the District Magistrates-cum-District Election Officer, submits that advisory has been issued for inclusion of the name of the electors whose name find mention in the Assembly Voter List in the Panchayat Voter List.

Having heard learned counsel for the parties and considering that the petitioner has admittedly applied for inclusion of her name in the Assembly Voter List which is a condition

precedent under Section 126 of 'the Act' for inclusion of the name in the Panchayat Voter List, hence should the name of the petitioner be included in the Assembly Voter List then she can represent before the District Magistrate, Aurangabad for inclusion of her name in the voter list and in case the same is found to be within the provisions of the Rules and the guidelines dated 09.3.2016 then the District Magistrate shall proceed accordingly to dispose of her grievance.

This writ petition is disposed of accordingly.

(Jyoti Saran, J)

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