

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19732 of 2015

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Ganesh Prasad Singh, son of Sri Kameshwar Prasad Singh, resident of Village- Rambhadrapur Chhakantoli, Post- Koilaam, Police Station- Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The Bihar State Election Authority through its Secretary, 32, Harding Road, Patna.
2. The State of Bihar through the Principal Secretary, Cooperative Department, Bihar, Patna.
3. The District Magistrate cum District Returning Officer (Cooperative Societies), Samastipur.
4. The District Cooperative Officer –cum- Assistant Registrar (Cooperative Societies), Samastipur cum Managing Director, D.C.C.B. Samastipur, cum the District Deputy Returning Officer (Cooperative Societies), Samastipur.
5. The Block Development Officer cum Returning Officer (Cooperative Societies) Kalyanpur, District- Samastipur.
6. Madan Sah (Declared as Chairman of Rambhadrapur PACS) son of Sri Mahadev Sah, resident of Village + Post- Koilaam, Police Station- Kalyanpur, District- Samastipur.
7. Rampunit Sahni (Candidate for Chairman), son of late Rameshwar Sahni, resident of Village + Post- Koilaam, Police Station- Kalyanpur, District- Samastipur.
8. Nehru Lal Sah (Candidate for Chairman), son of late Jaageshwar Sah, resident of Village + Post- Koilaam, Police Station- Kalyanpur, District- Samastipur.
9. Rambhadrapur PACS through its Secretary, Block- Kalyanpur, Police Station- Kalyanpur, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chakrapani Mr. Dipak Kumar
For the Respondent/s	:	Mr. Santosh Kr. Jha, GP-3
For the Respondent-SEC	:	Mr. Mukesh Kumar

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-01-2016 Heard Mr. Chakrapani, learned counsel appearing for the petitioner, learned counsel for the State and Mr. Mukesh Kumar, learned counsel appearing for the State Election Authority.

The petitioner is aggrieved by the order
18.6.2015/10.8.2015 of the District Cooperative Officer,

Samastipur passed in Election Case No.238 of 2014, whereby the prayer for recount made by the petitioner was rejected.

Though Mr. Chakrapani, learned counsel appearing for the petitioner has referred to a circular present at Annexure-4 to submit that where the difference of vote is 9 the Returning Officer would be obliged to carry a recount but the circular relied upon by learned counsel is issued by the State Election Commission and is in relation to the Panchayat election. The said circular does not bind the Election Authority constituted under the Bihar State Election Authority Act, 2008. Apart therefrom even on merits the prayer made by the petitioner in his application, a copy of which is placed at Annexure-1, was not maintainable for it lists no ground for allowing the same. The principles for recount are well-settled and no contestant can be allowed any such relief on mere asking nor he can be permitted to indulge in a roving enquiry.

In the aforementioned background where the prayer is unsupported by any ground, I find no infirmity with order passed by the prescribed authority to call for any interference.

The writ petition is disposed of.

(Jyoti Saran, J)

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