

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 15295 of 2016

Smt. Anita Devi, Wife of Jai Prakash Narayan, Resident of Village-
Mahmadpur, P.S. Daudnagar, Block- Daudnagar, District-Aurangabad.
.... Petitioner/s

Versus

1. The State Election Commission, (Panchayat) through the State Election Commissioner, Sone Bhawan, Birchand Patel Path, Patna
2. The State Election Commissioner, State Election Commission (Panchayat) Sone Bhawan, Birchand Patel Path, Patna
3. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
4. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
5. The District Magistrate-cum District Election Officer, Aurangabad.
6. The District Panchayati Raj Officer, Aurangabad.
7. The Block Development Officer-cum-Returning Officer, Daudnagar.
8. Smt. Amrita Devi Husband of Raju Kumar Resident of Village-Samshernagar, Block-Daudnagar, P.O. + P.S.-Daudnagar, District-Aurangabad.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Pratik Kumar Sinha
For the Respondent Nos. 1 to 3: Mr. Amit Shrivastava, Adv.
Mr. Girish Pandey, Adv.
For the Respondents Nos. 4 to 7: Mr. Kumar Alok- SC7

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 14-09-2016

Heard parties.

It is contended on behalf of the petitioner that the
elected Mukhiya had given her wrong date of birth on the date of
filing nomination papers in fact she was below twenty one years

of age and, thus, was disqualified to contest the election.

However, she has been elected. An application has been filed under Section 136(2) of the Bihar Panchayat Raj Act, 2006 i.e., the respondent no. 2, the State Election Commissioner, State Election Commission on 26.07.2016 but no decision has been taken as yet.

Accordingly, this writ application is being disposed of, without going into the merits of the case, with a direction to the respondent no. 2, i.e., the State Election Commissioner, State Election Commission to take a decision in the matter on its own merit and in accordance with law after granting reasonable opportunity to all the concerned expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.09.2016
Transmission Date	N.A.