

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3735 of 2016

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Arun Kumar, S/o Shri Ganesh Prasad, Resident of Village- Uthari Dhekaha,
Post+PS+ Block- Motihari, District- East Champaran. Also Member of
Uthari Dhekaha PACS , Motihari Block, East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Co-operative Department, Govt. of Bihar, Patna.
2. The Bihar State Election Authority, Bihar, Patna.
3. The District Magistrate -cum- District Election Officer, Co-operative, Motihari, East Champaran.
4. The District Co-operative Officer, East Champaran, Motihari.
5. The Block Development Officer -cum- Election Officer, Motihari Block, District- East Champaran.
6. Sri Umesh Kumar, Elected Chairman, Uthari Dhekha PACS, Motihari Block, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Md. Raisul Haque, SC-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 03-03-2016

Heard the parties.

The petitioner is aggrieved by the pendency of the Election Dispute Case No.216 of 2014/01 of 2015 which, according to the petitioner, remains pending before the District Cooperative Officer, East Champaran. It is the grievance of the petitioner that the election dispute was filed before the Registrar, Cooperative Societies and which has been transferred to the District Cooperative Officer vide order passed on 18.12.2014. The grievance of the petitioner is that the matter since after transfer has remained pending.

The copy of the election petition is present at Annexure-2 and the relief prayed therein requires a verification of electoral roll as well as recount of votes cast. In my opinion the election petition itself is not maintainable for it does not fall within the ambit of section 10 read with section 12 of the Bihar State Election Authority Act, 2008. In my opinion in absence of any challenge to an office of a body and in absence of declaration sought to that effect, a simple prayer for recount does not translate the complaint into an electoral dispute. The Election Dispute Case No.216 of 2014/01 of 2015 is held not maintainable and the entire proceedings arising from Election Dispute Case No.216 of 2014/01 of 2015 are quashed and set aside and for the same reason the writ petition is dismissed.

(Jyoti Saran, J)

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