

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4829 of 2016

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Abhilasha Kumari, wife of Jitendra Sharma, resident of Village-
Kapasiawan, P.O. + P.S.-Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Bihar Election Commission, Sone Bhawan, Patna.
2. The District Election Officer –cum- District Magistrate, Nalanda at Biharsharif.
3. The Block Level Officer, Kapasiawan, Block- Hilsa, Nalanda.
4. The District Panchayat Raj Adhikari, Nalanda.
5. The Senior Officer, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar
For the Respondent-State : Mr. Pravin Kumar Verma, AC to SC-26
For the Respondent-SEC : Mr. Amit Shrivastava
Mr. Sanjeev Nikesh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 14-03-2016 Heard Mr. Neeraj Kumar, learned counsel appearing

for the petitioner, Mr. Praveen Kumar Verma, learned Assisting

Counsel to Standing Counsel No.26 and Mr. Sanjeev Nikesh,

learned counsel appearing for the State Election Commission.

The petitioner seeks a direction to the District
Magistrate, Nalanda cum District Election Officer for inclusion
of her name in the voter-list of Kapsiawan Panchayat under
Hilsa Block in the district of Nalanda.

It is argued by Mr. Neeraj Kumar, learned counsel
appearing for the petitioner that the name of the petitioner did
figure in the voter-list of Assembly election of 2010 and was



omitted in the Assembly election held in 2015, for which she applied in the prescribed format under rule 13(1) and 26 of the Representations of People Act on 20.12.2015 and on 20.2.2016. He further submits that the names of the other family members including her husband appear in the voter-list but her name is omitted. It is contended that the seat is reserved for woman and she is a potential candidate.

Mr. Sanjeev Nikesh, learned counsel appearing for the State Election Commission has invited the attention of this Court towards the provisions of section 126 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') to submit that the inclusion in the Assembly voter list is a condition precedent for inclusion of name of a person in the concerned Panchayat voter-list. He further submits that notwithstanding the mandatory provisions underlying section 126 of 'the Act' a guideline was issued by the State Election Commission on 12.11.2015 in respect of preparation of voter-list which also accompanied a schedule wherein the eligible voters were permitted to file their objection to the voter-list until 25.1.2016. He submits that such of the persons whose names for some reason did not appear in the Assembly voter-list but did apply under form 'ड.' which accompanies the guidelines on or before 25.1.2016 and is a

resident of the Panchayat for the last 180 days, steps could be taken for inclusion of their names in the voter-list. It is submitted by Mr. Nikesh that unfortunately neither the name of the petitioner appears in the Assembly voter-list nor did she chose to apply under the prescribed form 'ड.' for inclusion of her name in the Panchayat voter-list and in such circumstances her name cannot be added.

Having heard learned counsel for the parties and considering the circumstances existing in which the petitioner herself is responsible for non-inclusion of her name in the voter-list of the Panchyat and the prescribed period has also expired, no indulgence can be granted to the grievance raised at such belated stage.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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