

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.370 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 17850 of 2014
Along with
Interlocutory Application No. 1753 of 2015

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Mohan Chaubey, son of Late Shiv Nandan Chaubey, Resident of village and P.O. Parchha, P.S. Chutiya, Block- Nauhatta, District- Rohtas at Sasaram

.... Appellant/s

Versus

1. The State Election Authority, Bihar, Patna through the Secretary
2. The Chief Election Officer, the State Election Authority, Bihar, Patna
3. The District Election Officer, Rohtas at Sasaram, District- Rohtas at Sasaram
4. The Returning Officer, PACCS Election Nauhatta Block-cum-Block Development Officer, Nauhatta, District- Rohtas at Sasaram
5. Sasaram Bhabhua Central Cooperative Bank Ltd. through the Managing Director, District- Rohtas at Sasaram
6. The Branch Manager, Sasaram Bhabhua Central Cooperative Bank Ltd., Branch- Akbarpur (Rohtas), District- Rohtas at Sasaram
7. Ramesh Chandra Chaubey, son of Late Shyam Keshwar Chaubey, Resident of village and P.O. Parchha, P.S. Chutiya, Block- Nauhatta, District- Rohtas at Sasaram, presently Chairman of Tilokhar PACCS, Block- Nauhatta, District- Rohtas at Sasaram

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. S.B.K.Manglam, Advocate.
For the Resp. No. 1 : Mr. Mukesh Kumar, Advocate.
For the Resp. No. 6 : Mr. Ishwari Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 09-05-2016

Re.: Interlocutory Application No. 1753 of 2015

The application is for condonation of delay of 06 days
in filing of the appeal.

For the reasons mentioned in the application, we find
that sufficient cause is made out for condonation of delay.

Consequently, the delay of 06 days in filing of the appeal is condoned.

Interlocutory Application stands disposed of.

Re.: Letters Patent Appeal No. 370 of 2015

The order dated 21.10.2014 passed by the learned single Bench in CWJC No. 17850 of 2014 is the subject matter of challenge in the present Letters Patent Appeal, whereby the appellant has been relegated to his remedy under the provisions of Bihar State Election Authority Act, 2008 and the Bihar Co-operative Societies Act, 1935.

The grievance of the appellant is that the nomination paper filed by him for the post of Chairman, Tilokhar Primary Agriculture Credit Co-operative Society has been wrongly rejected. The learned single Bench has rightly found that the rejection of a nomination paper can be made subject matter of an election petition and not before the writ court.

We do not find any error in the order passed by the learned single Bench which may warrant interference in the present Letters Patent Appeal. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Sujit

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