

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7236 of 2016

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Ajay Kumar, Son of Suryadeo Prasad, Resident of Village and Post-Mujardh, Police Station Nokha, District Rohtas.

.... Petitioner/s

Versus

1. The State Election Commission, Bihar through its Secretary.
2. The District Election Officer (Panchayat) -cum- District Magistrate Rohtas, Sasaram.
3. The Returning Officer -cum- Divisional Magistrate, Sasaram.
4. The Assistant Returning Officer, Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Choubey

For the Respondent/s : Mr. Amit Shrivastava with
Mr. Sanjeev Nikesh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 28-04-2016

Heard.

The grievance of the petitioner is that despite acceptance of nomination and allotment of symbol, he is being restrained from participating in the election.

Learned counsel for the Commission on instructions received inform that the petitioner is convicted in a criminal case and sentenced to imprisonment for three years. With reference to Section-136(1)(g) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') it is submitted that the petitioner is disqualified to contest and thus his nomination has been cancelled.

The nomination of the petitioner has been rejected

inter alia on grounds of conviction of the petitioner in a criminal case in which he has been sentenced for three years. Law is settled and a rejection of nomination on eligibility is an election dispute and the petitioner shall be at liberty to question the same before an appropriate forum as provided under ‘the Act’.

No cause for indulgence is made out in the extraordinary writ jurisdiction.

The writ petition is disposed of.

(Jyoti Saran, J)

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