

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8642 of 2016

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Girish Prasad Singh, S/o Bhegali Singh, Resident of Village- Adalpur, P.S.-
Aamdanta, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Registrar, Department of Co-operative Societies, Patna.
2. Registrar, Department of Co-operative Societies, Government of Bihar, Patna.
3. Joint Registrar, Co-operative Societies, Bhagalpur Division, Bhagalpur.
4. Anchal Adhikari, Sanhoulla Block, Bhagalpur.
5. Block Development Officer (B.D.O.) –cum- Election Officer, Sanhoulla Block, Bhagalpur.
6. Shamsheer Kumar Singh, S/o Surendra Singh, Resident of Village- Adalpur, P.S.- Amdanda, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Respondent/s : Mr. Vinay Kirti Singh, G.A.-3
For the State E.C. : Mr. Sanjeev Nikesh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 16-05-2016 Hear Mr. Pramod Kumar Singh, learned counsel

appearing for the petitioner, learned counsel for the State and

learned counsel for the State Election Commission.

The petitioner is aggrieved by the order dated 10.2.2015
passed by the Joint Registrar, Cooperative Societies, Bhagalpur
Division, Bhagalpur in Election Case No.10 of 2014 which has
been dismissed.

A short argument advanced by Mr. Singh, learned
counsel for the petitioner to contest the order is that several
persons who were the member of two societies have voted in
the election which according to Mr. Singh has infringed the

election.

Having heard learned counsel for the parties and having perused the records, in my opinion the order impugned is fit to be upheld on the following grounds namely:

- a) A membership issue cannot be a subject matter of an election dispute and until such time any person continues to hold the membership of society he is fully entitled to vote in the election.
- b) It is nowhere pleaded by the petitioner that these alleged members of another society had contributed to the success of the returned candidate and in absence of any evidence on this score, the dispute does not come within the purview of Section 12(1)(d)(iv) of the Bihar State Election Authorities Act.
- c) Even when the petitioner questions the election of respondent no.6, the necessary parties to the contest have not been arraigned in the election petition as mandated under section 10 of Bihar State Election Authority Act, 2008.

For the reasons aforementioned, I am not persuaded to interfere with the order impugned. The writ petition is dismissed.

(Jyoti Saran, J)

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