

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8958 of 2016

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Rakesh Kumar, son of Sri Ashok Kumar, resident of village and P.O. Ajwan, P.S. Naubatpur, District Patna

.... Petitioner/s

Versus

1. The State Election Commission (Panchayat) Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
 2. The State Election Commissioner, the State Election commission (Panchayat) Sone Bhawan, Birchand Patel Path, Patna
 3. The Secretary, the State Election commission (Panchayat) Sone Bhawan, Birchand Patel Path, Patna
 4. The State of Bihar through the District Magistrate-cum-District Election Officer(Panchayat), Patna, District Patna
 5. The District Magistrate-cum-District Election Officer (Panchayat) Patna, District Patna
 6. The Sub-Divisional Officer, Danapur, District Patna
 7. The Block Development Officer-cum-Returning Officer(Panchayat Election), Naubatpur Block, District Patna
 8. Dipu Kumar son of Sri Narmadeshwar Sharma
 9. Rakesh Kumar, son of Rameshwar Yadav,
 10. Mukesh Kumar, son of Ram Pyare Singh
 11. Raju Yadav, son of Jagat Yadav
 12. Wakil Yadav, son of not known to the petitioner
 13. Premchand Verma, son of not known to the petitioner, respondent
- Nos. 8 to 13 are the candidates contesting for the post of Panchayat Samiti Member through the Block Development Officer-cum-Returning Officer (Panchayat Election) Naubatpur Block, P.O. and P.S. Naubatpur, District Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. B. K. Manglam, Adv.

For the Respondent/s : Mr. Ajit Pratap Singh, Adv.

For the Commission : Mr. Sanjiv Nikesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 20-05-2016 It is the case of the petitioner that Gram Panchayat Raj, Ajwan under Naubatpur in the District of Patna is divided into 17 Territorial Constituencies. While Ward Nos. 1 to 8 constitutes Territorial Constituency No.6 of Panchayat Samiti, Naubatpur, Ward Nos. 9 to 17 constitutes Territorial Constituency No.7. The grievance of the petitioner is that although booth No.62 falls in

Ward No.9, which comes under Territorial Constituency No.7, Panchayat Samiti, Naubatpur but the ballot papers supplied at the booth were in respect of Territorial Constituency No.6 in place of Territorial Constituency No.7. According to the petitioner, no sooner the Presiding Officer realized the mistake that the polling was stopped although some six votes had been cast. It is stated that thereafter, the election was postponed. The petitioner thus prays for appropriate direction to the Commission to take a final decision in this regard.

Mr. Sanjiv Nikesh, learned counsel appearing for the Commission informs that the matter is in active consideration of the Commission from the time the illegality was detected and the polling was postponed. He submits that though no final decision has yet been taken on repoll but which is expected to be taken shortly. He further submits that such exercise is to be carried out not only in the constituency in question but wheresoever such kind of irregularity is detected. In my opinion the submission made by Mr. Nikesh on instructions received, should satisfy the anxiety expressed by the petitioner. The writ petition is accordingly disposed of with liberty to the petitioner to move again in case he is aggrieved by the decision of the Commission.

Bibhash/-

(Jyoti Saran, J)

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