

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6300 of 2016

=====

Dhaneshwar Mahto sonof late Satish Mahto resident of village+PO
Satghara, P.S. Radika, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Electoral Officer, Commissioner, Bihar, Patna.
3. The District Election Commissioner cum District Magistrate,
Madhubani
4. The Returning Officer cum Sub Divisional Officer, Jhanjharpur,
District Madhubani
5. The Returning Officer-cum-Sub D.C.L.R. Jhanjharpur, District
Madhubani

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Adv.

For the Respondent/s : Mr. S. Raza Ahmad, AAG 9

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 06-04-2016 Heard learned counsel for the parties.

The grievance of the petitioner is that although they are a registered political party but yet in the assembly election held in 2015 they were treated as independent.

A counter affidavit is being filed on behalf of the respondent Nos. 3 to 5 and Mr. Sidharth Prasad learned counsel appearing on their behalf submits that the objection for a political party does not end with mere registration rather even at the stage of filing of the nomination each candidate has to complete certain formalities viz. filing up of Form A and B as prescribed under rule 13 of the Election Symbols (Reservation and Allotment) Order 1968 more particularly, which formality was not completed by the

candidates so set up by the political party of whom the petitioner happens to be the Chairman and hence they were treated as independent. In support of his submission learned counsel has relied upon the documents submitted by the candidate set up by the party of the petitioner present at Annexures-E and F which mentions that Form A and B has not been submitted by them. It is stated that it is in these circumstances that they were treated as independent.

Having heard learned counsel for the parties and considering the submissions so advanced by Mr. Prasad in the backdrop of the affidavit on the record, no cause of indulgence is made out and the writ petition is accordingly disposed of. The petitioner and his political party need to be more conscious and alert of the legal formalities in future.

(Jyoti Saran, J)

Bibhash/-

U			
---	--	--	--