

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5239 of 2013

=====

Anita Devi W/o Sri Arun Kumar Singh Resident of Village+ P.O- Sahangi,
P.S- Agian, District- Bhojpur.

.... Petitioner/s

Versus

1. The State Election Commission through the Election Commissioner, Bihar, Patna.
2. The Election Commissioner, the State Election Commission, Bihar, Patna
3. The District Election Officer- cum- District Magistrate, Bhojpur, Arah
4. The Returning Officer, Garhani cum Block Development Officer, Garhani, Bhojpur.
5. Asha Devi W/O Chandra Shekhar Singh Resident Of Barap, P.O- Bagwan, P.S- Garhani, District- Bhojpur.
6. Pushpa Devi W/O Dev Kumar Singh Resident Of Village- Aajam Nagar, P.O- Bagwan, P.S- Garhani, District- Bhojpur.
7. Anu Devi W/O Arun Singh Resident Of Village- Mandma, P.O- Sahungi, P.S- Garhari, District- Bhojpur.
8. Tetri Devi W/O Sudarshan Bhagat Bhikhan Pal Resident Of Village- Barap, P.O- Bagwan, P.S- Garhari, District- Bhojpur.

.... Respondent/s

=====

Appearance:

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate Mr. Karandeep Kumar, Advocate
For the State E.C.	:	Mr. Amit Shrivastava, Advocate Mr. Girish Pandey, Advocate
For the State	:	Mr. Ashok Kr. Choudhary, AAG-13 Mr. Anil Kr. Tiwary, AC to AAG-13
For the private respondent:	:	Mr. Dharmesh Kr. Shrivastava, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

8 08-01-2016 Heard the parties.

The petitioner is aggrieved by the judgment and order dated 15.1.2013 passed by the Election Tribunal-cum-Munsif, Bhojpur in Election Petition No. 8 of 2011 whereby the election petition filed by the petitioner questioning the election of the

respondent no. 5 to the post of Mukhiya, Gram Panchayat Raj Barap in the District of Bhojpur has been dismissed.

Facts of the case briefly stated is that although the petitioner, the respondent no. 5 and several others contested the post of Mukhiya, the election went in favour of the respondent no. 5. The election petition filed by the petitioner was dismissed and being aggrieved the petitioner is before this Court.

The foundation of the contest lies on allegation of corrupt practices by the respondent no. 5 and her husband during the election as well as irregularities in counting. Record manifests that in the first count the petitioner secured 1279 votes as against 1280 votes secured by respondent no. 5. A prayer for recount was made by the petitioner before the State Election Commission and pursuant where to a recount was done which resulted in a bigger margin. While the petitioner on recount secured the same 1279 vote, the votes secured by the respondent no. 5 enhanced to 1284. Not being satisfied that the petitioner approached the Election Tribunal, who upon examination of the facts on record did not find it proper to interfere with the result.

Perusal of the findings of the Election Tribunal present at running page 36 of the brief manifests that no evidence was led by the petitioner to establish the allegation of corrupt practices and

further that the evidence on record reflected that the petitioner was not only present during the counting but was also present at the time of recount which is supported by her signature present in the recount sheet prepared in Form-20(1) which bears her signature. It is next contended by Mr. Manoj Kumar, learned counsel for the petitioner that although a recount asked for the entire booths but the recount was done only at two booths which is contrary to the circular of the State Election Commission but in my opinion considering the concurrent results flowing in the count / recount as well as opinion expressed by Election Tribunal, I am not persuaded at all to interfere with the election results. The writ petition is dismissed.

S.Sb/-

(Jyoti Saran, J)

U			
---	--	--	--