

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6963 of 2016

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1. Om Kumar Son of Umesh Sinha, Resident of Village- Triloki Bigaha, Police Station- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Nalanda.
2. The Returning Officer-cum Block Development Officer, Hilsa, Block, Nalanda.
3. The Bihar State Election Commission, through its Commissioner.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Ajay- GA12
For the Commission : Mr. Amit Srivastava, Adv.
Mr. Sanjiv Nikesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 29-04-2016

Heard learned counsel for the parties.

The nomination of the petitioner has been rejected inter alia on ground that the caste certificate was found to be incorrect.

What I find is that the caste certificate is issued only on 1/2/2016. There is nothing on record to uphold the contention of the petitioner that he belongs to the Extremely Backward Caste except the Caste Certificate in question, which has been doubted by the authorities while on enquiry into a complaint received in this regard. A rejection of a nomination on merits affecting the eligibility of a candidate is an election dispute under the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') and the petitioner if so

advised, thus would be at liberty to raise his grievance before the appropriate forum so prescribed under ‘the Act’.

Although Mr. Rajesh Singh learned counsel for the petitioner has laboured hard to canvass that the process of cancellation of nomination is in the teeth of the guidelines issued by the Commission but the reason be whatsoever, the fact remains that the nomination of the petitioner has been cancelled disbelieving the caste certificate which requires an adjudication and cannot be done in the extra ordinary writ jurisdiction. The forum is available to the petitioner and if so advised, he can take recourse to the same.

No cause for indulgence is made out. The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	
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