

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9845 of 2016

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Arbind Singh, son of Late Shamsheer Singh, Resident of Village- Rakauli,
P.O. Santhi, Police Station- Raghunathpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna, Patna through the State Election Commissioner.
3. The State Election Commissioner, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
4. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate-cum-District Election Officer (Panchayat), Siwan, District- Siwan.
6. The Block Development Officer-cum-Returning Officer (Panchayat Election), Andar Block, District- Siwan.
7. Krishnawati Devi, wife of Sri Binod Yadav, Resident of village- Sonkara, P.O. Santhi, P.S. Raghunathpur, District- Siwan.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Advocate
For the Respondent/s : Mr. Amar Nath Deo, SC-26
Mr. Vijay Bharti, A.C. to SC-26
For the State E.C. : Mr. Amit Shrivastava, Advocate
Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-07-2016 Heard Mr. S.B.K. Manglam, learned counsel for the petitioner, counsel for the State and Mr. Sanjeev Nikesh, learned counsel for the State Election Commission.

The wife of the petitioner was a candidate for the post of Mukhiya, Gram Panchayat Raj Patar in the District of Siwan. The petitioner raises an issue of violation of Rule 46 of the Bihar

Panchayat Election Rules, 2006 (hereinafter referred to as 'the Rules') framed under the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act'). According to the petitioner a Polling Agent is to be appointed for every election under rule 46(1) of 'the Rules' but which has not been allowed.

Mr. Manglam has referred to the appointment letter present at Annexure-1 series which does not bear the signature of the Presiding Officer accepting the appointment. While making such submissions, Mr. Manglam also admits that the wife of the petitioner who was the candidate for the post of Mukhiya has preferred an election dispute.

In the circumstances, where the contestant herself has taken recourse to the statutory remedy, the petitioner acting on her behalf as her election agent cannot be permitted to pursue this writ petition.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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