

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6899 of 2014

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1. Parshuram Prasad Paras Son of Hardeb Mahto, resident of village Ghoshwari,
Post Dhanakdove, Police Station Ghoswari, District Patna

.... Petitioner/s

Versus

1. The State of Bihar through State Election Commissioner, State Election Commission, Bihar, Patna
2. District Election officer (Panchayat) cum District Magistrate, Patna
3. Sh. Aditya Prakash, B.D.O. Fulwarisharif-cum-Returning officer, Ghoshwari, District Patna
4. Sh. Awadhesh Kumar S/o Hardash Narain Mahto resident of village Goshwari, P.O. Dhankdov, Police Station Ghoshwari, District Patna
5. Sh. Alakhdeo Mahto Son of Late Badri Mahto resident of village Dhanakdov, P.O. Dhankdov, Police Station Ghoshwari, District Patna
6. Sh. Arjun Prasad Son of Late Ram Mahto resident of village Dhankdov, P.O. Dhankdov, Police Station Ghoshwari, District Patna
7. Sh. Dharmraj Prasad s/o Shyam Nandan Prasad resident of village Dhanakdov, P.O. Dhankdov, Police Station Ghoshwari, District Patna
8. Sh. Dharmraj Yadav s/o Ayodhya Yadav resident of village Ghoshwari, P.O. Dhankdov, Police Station Ghoshwari, District Patna
9. Sh. Nandu Manjhi son of Sharan Manjhi resident of village Ramnagar, P.O. Dhankdov, Police Station Ghoshwari, District Patna
10. Sh. Pawan Thakur Son of Jagdamba Thakur resident of village Dhanakdov, P.O. Dhankdov, Police Station Ghoshwari, District Patna
11. Sh. Valmiki Thakur Son of Lakshmi Thakur resident of village Dhanakdov, P.O. Dhankdov, Police Station Ghoshwari, District Patna
12. Sh. Bodhan Mahto Son of Harkishun Mahto resident of village Dhanakdov, P.O. Dhankdov, Police Station Ghoshwari, District Patna
13. Sh. Bhushan Mahto Son of Bhola Mahto resident of village Ghoshawari, Police Station Ghoshwari, District Patna
14. Sh. Manik Chand Sao Son of Bhola Sao resident of village Dhanakdov, P.O. Dhankdov, Police Station Ghoshwari, District Patna
15. Sh. Ram Sagar Mahto Son of Deoki Mahto resident of village Ghoshwari, P.O. Dhankdov, P.S. Ghoshwari, District Patna
16. Sh. Ram Lagan Yadav Son of Jageshwar Yadav resident of village Ramnagar, P.O. Dhankdov, Police Station Ghoshwari, District Patna
17. Vimla Devi W/o Dhanraj Prasad resident of village Dhanakdov, P.O. Dhankdov, Police Station Ghoshwari, District Patna
18. Sh. Shivjee Yadav s/o Tulo Yadav resident of village Ramnagar, P.O. Dhankdov, Police Station Ghoshwari, District Patna
19. Sh. Shivakant Prasad son of Ram Shewak Prasad resident of village Ghoshwari, P.O. Dhankdov, Police Station Ghoshwari, District Patna
20. Sh. Shailendra Prasad Kumar son of Lutan Sao resident of village Ghoshwari, P.O. Dhankdov, Police Station Ghoshwari, District Patna
21. Satyawati Devi W/o Raghunandan Prasad resident of village Dhanakdov, P.O. Dhankdov, Police Station Ghoshwari, District Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Waliur Rahman, Adv.

For the Respondent/s : Mr. R.R. K Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-04-2016

None appears on behalf of the petitioner.

Learned counsel for the State and learned counsel for the State Election Commission are present.

This writ petition has been filed questioning the judgment and order dated 1.10.2013 passed by the Munsif, Barh, Patna-cum-Election Tribunal in Election Petition No. 3 of 2011 whereby the election petition has been rejected.

Perusal of the orders passed in the present proceedings as well as the office reports would reflect that this writ petition stands dismissed as against the respondent Nos.3,5,6,8,,12,13,14,19 and 20 on the failure of the petitioner to ensure filing of the requisites for notice. On merits the sole ground on which the election of the returned candidate i.e. respondent No.7 has been questioned is that there was illegal mingling of votes by the official connecting with the elections for securing benefit to the returned candidate. Apart from the fact that the Election Tribunal has gone deep into the matter to hold the allegation to be without foundation in the backdrop of the fact that no objections were raised in this regard, another aspect of the matter is that the tenure of the post is at virtual end as fresh elections to

constitute Panchayats have been announced by the issuance of the notification under Section 124 of the Bihar Panchayati Raj Act, 2006. Thus besides the fact that the issue raised has been rendered academic, this writ petition also stands dismissed as against the respondent Nos. 3,5,6,8,12,13,14,19 and 20, rendering it incompetent. Even on merits the petitioner has no case.

The writ petition is dismissed accordingly.

(Jyoti Saran, J)

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