

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5009 of 2016

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1. Sanju Jha, Wife of Ajay Jha @ Ajay Kumar Jha, resident of Village - Sirsia Kala, Police Station - Bhargama in the district of Araria.
 2. Ajay Jha @ Ajay Kumar Jha, Son of Bishnudeo Jha, resident of Village- Sirsia Kala, Police Station - Bhargama in the district of Araria.
- Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayat Raj, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The State Election Commission through its Secretary, Son Bhawan, Patna.
4. The Secretary, State Election Commission, Son Bhawan, Patna.
5. The District Magistrate -cum- Chief Election Officer, Araria.
6. The Sub-Divisional Officer -cum- Election Officer, Forbesganj.
7. The Block Development Officer, Bhargama, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar
For the Respondent-State : Mr. Shiv Kumar, AC to GA-7
For the Respondent-SEC : Mr. Sanjeev Nikesh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 16-03-2016 Heard the parties.

The dispute is with regard to inclusion of name of the petitioners in the voter-list of Sirsia Kala Gram Panchayat under Bhargama Block in the district of Araria.

It is the contention of Mr. Raj Kumar, learned counsel appearing for the petitioners that an application in the prescribed form present at Annexure-4 series was submitted for inclusion and for which he relies upon a recommendation of the Block Development Officer. In view of the submissions advanced, Mr. Shiv Kumar, learned Assisting Counsel to

Government Advocate No.7 was directed to ascertain the correct position vide order passed on 14.3.2016. This matter has thereafter been taken up today when on the instruction from the Block Development Officer, Bhargama it is informed by Mr. Shiv Kumar that the application has not been submitted by the petitioners. He further with reference to the recommendation of the Block Development Officer submits that the petitioners after obtaining recommendation form the Panchayat Secretary had taken away the prescribed form for submitting it before the Block Development Officer and which has not been submitted before the Block Development Officer as yet. Even the receipt on the form does not bear any signature of any authority.

In the circumstances, where there is nothing on record to prove whether or not the application was submitted by the petitioners within the period prescribed before the authorised officer, no direction can be issued for inclusion of their names in the voter-list.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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