

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5321 of 2016

=====

Manoj Kumar Yadav, Son of Sri Ram Chandra Yadav, Resident of Village-Bairiya under Gram Panchayat Bajara Block Gaunha, P.S.- Sahodara, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The District Magistrate-cum-District Returning Officer (Panchayat) West Champaran, Bettiah.
3. The District Panchayati Raj Officer, West Champaran, Bettiah.
4. The Block Development Officer-cum-Returning Officer, Block Gaunha, District- West Champaran, Bettiah.
5. The Election Commissioner, State Election Commission, Sone Bhawan, Birchand Patel Path, Patna.
6. The Secretary, State Election Commission, Sone Bhawan, Beerchand Patel Path, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh
Mr. Upadhyay Saurabh Kumar

For the Respondent/s : Mr. Satya Deo Kumar, SC-5
Mr. Amit Shrivastava

For the Commission : Mr. Sanjeev Nikesh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 01-04-2016 Learned counsel for the parties are present.

The grievance of the petitioner is that his nomination has been rejected even when he belongs to the Backward Class and the seat is reserved for Backward Class as manifest from Annexure-6.

Mr. Sanjeev Nikesh, learned counsel appearing for the Commission with reference to the Definitions clause present in section 2(b) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') submits that even though the term refers

to the “**Backward Class**”, such clause means and includes all such citizens specified in Annexure-1 of the Bihar Reservation of Vacancies in Posts and Services (for SC, ST and other Backward Class) Act, 1991 (Bihar Act No.3, 1992) meaning thereby the citizens coming under the extremely backward category. He thus submits that since admittedly the petitioner does not come within the extremely Backward Class, hence rejected.

In view of the legal position so discussed no cause for indulgence is made out.

The writ petition is disposed of.

(Jyoti Saran, J)

deepika/-

U			
---	--	--	--