

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5403 of 2016

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Gulafsan, wife of Shri Sajjad Alam, resident of Village + Post- Bhualpur, Gram Panchayat- Bhulapur, Block+P.S.- Marhowrah, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The State Election Commission through its Commissioner, State Election Commission, Bihar, Sone Bhawan, Birchand Patel Path, Patna.
3. The Secretary, State Election Commission, Bihar, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Secretary, State Election Commission, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate –cum- District Election Officer (Panchayat), Saran, District- Saran at Chapra.
6. The District Panchayat Raj Officer, Saran, District- Saran at Chapra.
7. The Block Development Officer, Marhowrah Block, District- Saran at Chapra.
8. The Panchayat Secretary, Gram Panchayat Raj Bhualpur, Block- Marhowrah, District- Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Dwivedi
For the Respondent-State	:	Mr. Bhuvneshwar Pandey, AC to SC-31
For the Respondent-SEC	:	Mr. Sanjeev Nikesh Mr. Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-03-2016

Heard Mr. Shailendra Kumar Dwivedi, learned counsel appearing for the petitioner, Mr. Bhuvneshwar Pandey, learned Assisting Counsel to Standing Counsel No.31 for the State and Mr. Sanjeev Nikesh, learned counsel appearing for the State Election Commission.

The limited grievance raised by the petitioner in this writ petition is for inclusion of her name in the voter-list of Bhualpur Gram Panchayat under Marhowrah Block in the district of Saran in the ensuing Panchayat Election, 2016.



The petitioner while admitting to the fact that her name did not appear in the Assembly voter-list of 2015 has taken recourse to the form prescribed under the circular bearing No.1925 dated 12.11.2015 which in its Form 'ड.' provides an opportunity to all those persons whose names did not figure in the Panchayat voter-list but who were residents of the Panchayat concerned for a period of 180 days or more, to file their application for inclusion of their names in the Panchayat voter-list which application is to be filed within the prescribed period. A copy of the advisory issued by the State Election Commission on 12.11.2015 is present at Annexure-1 to the writ petition. It is following such liberty granted that the petitioner filed an application for inclusion of her name in Form-'ड.', a copy of which is present at Annexure-2 and which has been duly recommended by the Panchayat Secretary. It is following this exercise that the name of the petitioner was added in the draft voter-list present at Annexure-3 and which is dated 13.1.2016. Surprisingly even when the recommendation of the Block Development Officer who happens to be the Returning Officer for the elections is present in his letter dated 21.1.2016 addressed to the District Panchayati Raj Officer, Saran for inclusion of the name of the petitioner in Ward No.6, yet this exercise has not been completed and hence this application.

Mr. Sanjeev Nikesh, learned counsel appearing for the

State Election Commission very fairly admits that the steps taken by the petitioner for inclusion of her name and the follow up action undertaken by the Block Development Officer for inclusion of her name is in time and thus there should be no reason for non-inclusion of her name in the voter-list.

Having heard learned counsel for the parties and considering the submissions advanced and taking note of the application filed by the petitioner present at Annexure-2 along with the draft voter list present at Annexure-3 and the recommendation of the Block Development Officer, Marhowrah present at Annexure-4, I deem it fit and proper to dispose of the writ petition with a direction to the District Magistrate, Saran at Chapra –cum- District Election Officer, Saran, the District Panchayati Raj Officer, Saran at Chapra and the Block Development Officer, Marhowrah in the district of Saran i.e. respondent nos.5, 6 and 7 respectively to forthwith include the name of the petitioner in the voter-list of Bhualpur Gram Panchayat, Marhowrah in the district of Saran within a week from the date of receipt/production of a copy of this order.

The writ petition is disposed of with the directions aforementioned.

(Jyoti Saran, J)

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