

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8813 of 2016

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Pinku Prasad, son of Shivjee Prasad, resident of Village and Post- Kharhar,
P.S.- Minapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, State Election Commission, Bihar, Patna.
3. The District Magistrate –cum- Returning Officer, Muzaffarpur.
4. The Sub-Divisional Officer (East), Muzaffarpur.
5. The Block Development Officer –cum- Block Presiding Officer,
Minapur Block, Muzaffarpur.
6. Shyam Babu Prasad, son of Shree Mahendra Prasad, resident of Village
and Post- Kharhar, P.S.- Minapur, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar
For the Respondent-State	:	Mr. Ritesh Kumar, SC-33
For the Respondent-SEC	:	Mr. Amit Shrivastava
		Mr. Sanjeev Nikesh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 19-05-2016

Perused the office notes.

A copy of the writ petition is being served on Mr.
Sanjeev Nikesh, learned counsel appearing for the State
Election Commission.

With the consent of the parties, this matter has been
taken up for consideration with a view to its final disposal.

Heard Mr. Abhay Kumar, learned counsel
appearing for the Petitioner, Mr. Ritesh Kumar, learned
Standing Counsel No. 33 for the State and Mr. Amit
Shrivastava, learned counsel appearing for the State Election
Commission along with Mr. Sanjeev Nikesh.

The petitioner filed his nomination for the post of Ward Member, Gram Panchayat Raj, Koili, District-Muzaffarpur. The election was held on 28.4.2016.

The grievance of the petitioner is that although he was allotted the 'aeroplane' symbol for the election but in the ballot paper it was changed to 'Almirah' and his symbol was given to the private respondent. The petitioner complains that he is prejudiced by this change of symbol which is without his permission and without notice.

The election was held on 28.4.2016 and the counting is to be held on 5.6.2016. The petitioner has represented the State Election Commission with his grievance, a copy of which is present at Annexure-3 and in the circumstances discussed, I deem it fit and proper to direct the Commissioner, State Election Commission, Bihar, Patna to consider the grievance of the petitioner and dispose of the same in accordance with law and considering that the counting is fixed for 5.6.2016 a disposal within one week from today would serve the purpose.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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