

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6472 of 2016

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MANJU DEVI, W/o- Shri Shivendra Mohan Mishra, resident of Village-
Bel, Ward No.- 2, P.O. + P.S.- Bairgania, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate-cum-District Election Officer (Panchayat) Sitamarhi.
3. The District Panchayat Raj Officer, Sitamarhi.
4. The Block Development Officer, Block- Bairgania, District- Sitamarhi.
5. The Block Development Officer-cum-Returning Officer, Block- Bairgania, District- Sitamarhi.
6. The Assistant Returning Officer, Block- Bairgania, District- Sitamarhi.
7. The State Election Commission, represented through its Secretary, State Election Commission, Bihar, Sone Bhawan, 3rd Veer Chand Patel Path, Patna-800001.
8. The Commissioner, the State Election Commissioner, Bihar, Sone Bhawan, 3rd Veer Chand Patel Path, Patna- 800001.
9. The Secretary, the State Election Commission, Bihar, Sone, Bhawan, 3rd Veer Chand Patel Path, Patna- 800001.

.... Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Shri Prakash Srivastava, Advocate Mr. Rajeev Ranjan, Advocate Mr. Santosh Bharti, Advocate
For the State	:	Mr. Nadeem Seraj, G.P.-20
For the State E.C.	:	Mr. Amit Srivastava, Advocate Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 21-04-2016 Heard Mr. S.P. Srivastava, learned counsel appearing for

the petitioner, counsel for the State and Mr. Amit Shrivastava, for

the State Election Commission.

The petitioner prays for a writ of mandamus to accept

the nomination papers filed for the post of Mukhiya Gram

Panchayat Raj Bel, Block-Bairgania in the district of Sitamarhi.

Mr. S.P. Srivasatava has referred to the voter list of the

Panchayat election published in 1995 to point out that at serial no.



337 the name of the petitioner appears and this position also continues in the next election held in 2006 where the name of the petitioner appears at serial no. 387 present at Annexure-6. He thereafter refers to the assembly voter list of 2015 to submit that although the photo of the petitioner appears at serial no. 537 but the name has been incorrectly mentioned as that of her husband. It is stated that the petitioner did take steps for getting the error corrected which was carried on 11.3.2016 with effect from 01.1.2016 as manifest from Annexure-8. In between the voter list of the Panchayat for the 2016 election was published in January, 2016 present at Annexure-1/A and at serial no. 504 the name of the petitioner is replaced by her husband whose name already exists at serial no. 503 and it is for this reason that the nomination filed by the petitioner has been rejected.

The grievance of the petitioner was considered by the District Magistrate and who vide letter dated 9.3.2016 present at Annexure-11 issued instructions to the Block Development Officer for taking necessary steps in this regard as to whether it was a typographical or clerical error. The matter reached the State Election Commission and who has examined the grievance of the petitioner to come to a conclusion that although the name of the petitioner was missing in the Assembly Voter List of 2015 as manifest from Annexure-7 and which error also got continued in the Panchayat Voter List present at Annexure-1/A but neither the

petitioner took steps for getting the error corrected with regard to the Assembly voter list within the prescribed period nor did she take steps to get the Panchayat Voter List corrected which option was available to the petitioner until 25th of January, 2016. It is in this background and despite taking note of the fact that the Assembly voter list was corrected in March, 2016 which forms part of Annexure-8 beyond the prescribed period and the petitioner took no steps to apply for inclusion of her name in Panchayat Voter List in the prescribed form issued by the State Election Commission, that the grievance has been rejected.

A copy of such order bearing Memo No. 3070 dated 20.4.2016 of the State Election Commission as addressed to the husband of the petitioner has been produced by Mr. Amit Shrivastava appearing for the Commission and which in my opinion does justify the decision taken by the election authorities to reject the nomination of the petitioner.

No cause for indulgence is made out.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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