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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22431 of 2013

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1. Geeta Devi W/O Indradeo Bhagat Resident of Village and Post Dhabaulli, P.S. Muffasil, District - Begusarai

.... Petitioner/s

Versus

1. The Bihar State Election Commission through State Election Commissioner, Bihar, Patna
2. Ram Sah Son of Banarasi Sah Resident of Village - Sita Rampur, P.S. Muffassil, District - Begusarai (Panchayat Dhabauli, he is present Mukhiya under the Panchayat Entries)
3. The District Magistrate Cum District Election Officer Panchayati Raj Election Begusarai
4. The Sub - Divisional Magistrate Cum Additional District Election Officer, Panchayati Raj Election Officer, Panchayati Raj Election, Begusarai
5. The Block Development Officer - Cum - Assistant Returning Officer, Panchayati Raj Election Begusarai Block, Begusarai
6. Sri Rajesh Kishore Senior Deputy Collector - Cum - Returning Officer Panchayati Raj Election, Begusarai

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Arbind Kumar Sharma, Adv.
For the Respondent/s : Mr. Ravindra Kr Choubey, Adv.
For the S.E.C. : Mr. Sanjeev Nikesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 01-03-2016 Heard Mr. Arbind Kumar Sharma, learned counsel for the petitioner, learned counsel for the State and Mr. Sanjeev Nikesh, learned counsel for the State Election Commission.

The petitioner has questioned the judgment and order dated 20.5.2013 passed by the Munsif, Begusarai- cum- Election Tribunal in Election Case No. 120 of 2011 whereby the election case has been dismissed.

The limited grounds on which the petitioner has questioned

the election is that she was not granted the benefit of reservation while filing her nomination.

The petitioner had filed a writ petition in this Court bearing C.W.J.C.No.5991 of 2011 and this Court taking note of the stand of the petitioner herself regarding non disclosure of her caste, dismissed the writ petition. Not withstanding the order of the writ Court the petitioner again questioned the election by filing the election petition in question and the Election Tribunal concluded that since she belongs to Backward Class while the seat was reserved for candidates falling to Extremely Backward Class, hence her nomination was rightly rejected.

Mr. Nikesh appearing for the Commission has referred to the caste certificate of the petitioner present at Annexure-4 which certifies that she belongs to the backward class and thus, the petitioner obviously could not have contested from a seat which was reserved for a member belonging to the Extremely Backward Class category.

No cause for indulgence is made out in the impugned judgment and order. The writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

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