

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3358 of 2017

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1. Rinku Kumar, wife of Shri Himanshu Yadav, resident of Ward No.33, Mohalla-Chhoti Govindpur, Fulka, P.S.- Jamalpur, District- Munger.
 2. Vinay Kumar, son of Bishundeo Yadav, resident of Ward No.33, Chhoti Govindpur, Fulka, P.S.- Jamalpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, State Election Commission, Bihar, Sone Bhawan, 3rd Floor, Veer Chand Patel Path, Patna-1.
2. The Commissioner, State Election Commission, Bihar, Sone Bhawan, 3rd Floor, Veer Chand Patel Path, Patna-1.
3. The District Magistrate, Munger.
4. Sub Divisional Officer, Sadar, Munger.

.... Respondent/s

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Appearance :

For the Petitioners	:	Mr. S. B. K. Manglam with Mr. Prem Chand Yadav, Advocates
For the State	:	Mr. M. K. Upadhyay, AC to GP 3
For the SEC	:	Mr. Amit Shrivastava with Mr. Sanjeev Nikesh, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 19-04-2017

Heard learned counsel for the petitioners, State and State Election Commission.

2. The petitioners are aggrieved by the alleged error committed by the authorities in preparing Form-6 for the ensuing 2017 elections of Jamalpur Nagar Parishad, inasmuch as, according to



him, the population figures relating to Ward No. 33 have been shown as population figures for Ward No. 34 and the figures shown for Ward No. 34 relate to the population of Ward No. 33, as per the official 2011 census.

3. Learned counsel for the petitioners submitted that there is simple interchange with regard to population of Wards No. 33 and 34 as the same have been erroneously interchanged in Form 6 prepared on 17.10.2016. He further submitted that such error has led to consequential errors in Forms 7, 8, 9 and 10.

4. Learned counsel for the State and State Election Commission submitted that the matter be disposed off with direction to the respondent no. 3 to look into the matter and make necessary corrections in a short span of time.

5. In view thereof, the writ petition stands disposed off with direction to the respondent no. 3 to look into the matter and hear the grievance of the petitioners, as discussed above, and pass appropriate orders, in accordance with law.

6. For the said purpose, the petitioner/petitioners shall appear before the respondent no. 3, along with a copy of this order, on 21st April, 2017 at 11:00 A.M. in his office. The respondent no. 3 shall thereafter hear the petitioner/petitioners and compare the figures relating to Wards No. 33 and 34, with the official records and



population figures of 2011 census and thereafter pass a reasoned order in accordance with law. He shall then send the order to the State Election Commission within the next two working days. On receipt of the said order of the respondent no. 3, the State Election Commission shall make necessary corrections, if and as required, in Form 6 followed by consequential corrections in the subsequent Forms, including Form 10. The ensuing elections to the Nagar Parishad, Jamalpur shall be held in terms of the corrections, if any, made pursuant to the exercise undertaken in terms of the present order.

(Ahsanuddin Amanullah, J)

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