

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6309 of 2017

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1. Karnvir Singh Yadav, Son of Sri Rambilash Singh
2. Pushpa Kumari, W/o Karnvir Singh Yadav.
Both resident of Chunakhari, Ward No. 17, P.S. Barh, District- Patna.
.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, State Election Commission, Bihar.
3. The District Magistrate-cum-District Election Officer (Nagarpalika), Patna.
4. Block Development Officer cum Revising Authority, Barh, Patna.
5. The Registering Officer-cum-Sub- Divisional Officer, Barh, Patna.
6. The State Election Commission (Nagarpalika), Bihar through the State Election Commission, Sone Bhawan, 3rd Floor, Birchand Patel Path, Patna.
.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate
For the SEC	:	Mr. Amit Shrivastava and
(Respondents No. 2 & 6)	:	Mr. Ritesh Kumar, Advocates
For the State	:	Mr. K. K. Jha, A.A.G. 8
		Mr. K. C. Jha, A.C. to A.A.G. 8

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 26-04-2017

Heard Mr. Sandeep Kumar, learned counsel for the petitioners, Mr. Amit Shrivastava, learned counsel assisted by Mr. Ritesh Kumar, learned counsel for the State Election Commission and Mr. Kaushal Kr. Jha, learned counsel assisted by Mr. K.C. Jha, learned counsel for the State.

2. The petitioners are aggrieved by non inclusion of their name in the electoral roll of Ward No. 17 of Barh Nagar Parishad for the ensuing 2017 election.

3. Learned counsel for the petitioners submitted that they are husband and wife and had filed an objection pursuant to the



draft publication of voter list on account of non inclusion of their name though they were permanent resident of the said Ward. Learned counsel further submitted that the Block Welfare Officer-cum-Revising Authority, Barh, had made a spot enquiry and submitted a report to the respondent no. 4 dated 19.04.2017, upholding the contentions of the petitioners and also recommending their name to be added in the voter list. Learned counsel submitted that despite such fact, the respondent no. 5, who is the Registering Authority, has rejected the request for inclusion of the names of the petitioners, for no reason whatsoever, which is totally arbitrary and requires interference.

4. Learned counsel for the State and the State Election Commission submitted that in view of the materials in favour of the petitioners, the matter be sent to the respondent no. 3 to take a final decision.

5. Having considered the aforesaid, the writ petition stands disposed off with a direction to the petitioners to appear before the respondent no. 3 tomorrow at 4.00 P.M. in his office, along with a copy of this order. The respondent no. 3 shall consider the plea of the petitioners, with regard to adding their names in the voter list for Ward No. 17 of Barh Nagar Parishad and pass appropriate orders in accordance with law, after taking into consideration all relevant



materials including Annexure-1, which is copy of the report of the State Welfare Officer dated 19.04.2017, within two working days. He shall transmit the same to the State Election Commission within the next two working days and the State Election Commission in turn shall pass appropriate orders immediately.

6. It is made clear that ongoing process, as per the notification issued/likely to be issued, shall continue uninterrupted, except for the fact that after the exercise directed by this order, if any modification is required in the voter list, the election shall be held as per the modified voter list.

(Ahsanuddin Amanullah, J.)

P. Kumar

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