

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 525 of 2017

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Imtiyaz Alam, Son of Late Gaffur Ali, Resident of Village - Makksatakia, P.S. Naugachia, District – Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Nagar Vikash Avam Awash Bibhag, Bihar, Patna.
2. The State Election Commission Bihar, Patna through its Secretary.
3. The Principal Secretary, Nagar Vikash Avam Awash Bibhag, Bihar, Patna.
4. The District Magistrate-cum-District Election Officer Bhagalpur, District- Bhagalpur.
5. The District Deputy Election Officer (Nagar Palika) Bhagalpur, District- Bhagalpur.
6. The Executive Officer Nagar Panchayat Naugachia District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the Respondent No. 6	:	Mr. Dhananjay Kumar Gupta, Advocate
For the State	:	Mr. Kinkar Kumar, S.C. 9 Mr. Zaiki Haider, A.C. to S.C. 9
For the State Election Commission	:	Mr. Amit Shrivastava, Mr. Sanjeev Nikesh, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-03-2017

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

The petitioner has moved the Court assailing the
reservation of the Wards for the ensuing election to Nagar Panchayat,
Naugachia.

Learned counsel for the petitioner submitted that
Section 21 of the Bihar Municipal Act, 2007 read with Rule 29 of the
Bihar Municipal Election Rules, 2007, have not been complied with



while making reservation of the Wards in question. Learned counsel submitted that since in the last election in 2012, other Wards were reserved, the same reservation should have been continued in the present election also.

Learned counsel for the State Election Commission submitted that from the population chart as published in Form-6 read with the reservation notified under Form-10, the required formula under the Act and the Rules, read with the guidelines of the State Election Commission dated 13.10.2016, have been adhered to. Learned counsel submitted that as per the requirement of law, 20% of the seats have to be reserved for the Backward Class and the number for Scheduled Caste would be fixed as per their population, which comes to one seat. Learned counsel further submitted that the law requires that first reservation would be made of the Wards in favour of the Scheduled Castes/ Scheduled Tribes in which the highest number of Scheduled Castes/ Scheduled Tribes population resides. Once the same is done, that shall be left out. Then the reservation shall be made for the Backward Classes, on the basis of the total population, the guidelines and the same shall be made in the constituencies having the total number of population in a descending order.

Learned counsel, thus, submitted that in the present



case, as would be compared from the comparison of Form-6 and Form-10, the reservation of the Scheduled Caste has been made for Ward No. 23, as it has the highest number of Scheduled Caste population whereas Wards No. 6, 10, 11 and 15 have been reserved for the Backward Class since Wards no. 15, 11, 6 and 10 have the highest population in descending order.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and perusal of the materials on record, the Court finds that the exercise undertaken is as per the requirement of law.

Accordingly, the writ petition, being without merit, stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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