

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19743 of 2016

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Abhinav Srivastava, Son of Shri Shailesh Kumar Srivastava, R/o Mohalla- Nai Basti, Mahadeva, P.O.- Siwan, G.P.O., P.S.- Mahadeva (O.P.), District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Urban Development & Housing Department, Bihar, Patna.
3. The District Magistrate-cum- District Election Officer (Municipality), Siwan.
4. The District Deputy Election Officer (Municipality), Siwan.
5. The State Election Commission through State Election Commissioner, Sone Bhawan, 3rd Floor, Birchand Patel Marg, Patna, Bihar.
6. The State Election Commissioner, Sone Bhawan, 3rd Floor, Birchand Patel Marg, Patna, Bihar.
7. The Secretary, State Election Commission, Sone Bhawan, 3rd Floor, Birchand Patel Marg, Patna, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Shrivastava and Mr. Sanjay Kumar, Advocates
For the SEC	:	Mr. Amit Shrivastava and Mr. Sanjeev Nikesh, Advocates
For the State	:	Mr. S. Hussain Majeed, A.C. to S.C. 6

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-04-2017

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

2. The petitioner has moved the Court challenging
the reservation of Ward No. 17 in Nagar Parishad, Siwan which has
been reserved for Backward Class.

3. Learned counsel for the petitioner submitted that
the reservation of Ward No. 17, which was earlier General, is without
fulfilling the requisite criteria. Learned counsel further submitted that



the same is also against the policy decision taken by the State Authorities and against the provisions of the Bihar Municipal Election Rules, 2007.

4. Learned counsel for the State Election Commission, who has filed counter affidavit submitted that in terms of Rule 29(2)(iv)(iii), the wards having highest population in descending order shall be reserved for Backward Class in admissible number and out of those so reserved for Backward Classes, those wards shall be reserved for Backward Class women in admissible number, which come first in descending order of total population.

5. From the chart showing the population in terms of the 2011 census figures, Ward No. 17 is at serial no. 6 of the total population in descending order and the total seats for Backward Classes is 7. It was submitted that the same has rightly been reserved.

6. Having considered the aforesaid, the Court does not find that the exercise undertaken by the Authorities in reserving Ward No. 17 for Backward Class needs interference.

7. Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

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