

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1265 of 2016

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1. Uday Narayan Singh, son of Late Kisto Singh, Resident of Village- Tihiya Dinari, P.O Mangodar, P.S. Khaira, District- Jamui.
 2. Balmukund Singh, son of Late Ramnath Singh, Resident of village- Dahua, P.O. Jhundo, P.S. Khaira, District- Jamui.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Commissioner, Munger Division, Munger.
4. The District Magistrate, Jamui.
5. The Deputy Development Commissioner, Jamui-cum-Chief Executive Officer, Zila Parishad, Jamui.
6. The State Election Commission through the Secretary, 3 rd Floor Sone Bhawan, Birchand Patel Path , Patna.
7. Sri Rajendra Yadav, son of not known to the petitioner, Presently Chairman, Zila Parishad, Jamui, P.O and P.S. Jamui, District- Jamui.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Prakash Kumar, Adv.
For S.E.C.	:	Mr. Amit Shrivastava, Advocate.
		Mr. Sanjeev Nikesh, Advocate.
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-III

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-03-2017

This Public Interest Litigation is filed for cancellation and selection of respondent no.7 to the post of Chairman, Jila Parishad in Jamui district, challenge is made by contending that the election of Chairman of Zila Parishad is contrary to the requirement of the Bihar Panchayat Raj Act, 2006. Once the election is over and if there is illegality in the election, the same has to be challenged by means of an



election petition as contemplated in Statute and a public interest litigation challenging the election is not maintainable.

Learned counsel representing the respondent questions the maintainability of public interest litigation mainly on the ground that when statutory remedy of election petition is available, Public Interest Litigation is not tenable. We find much force in this objection and upheld.

For the reasons mentioned above, the petition is, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04-04-2017
Transmission Date	NA

