

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19235 of 2016

=====

Dhirendra Yadav Son of Late Sabralal Yadav, resident of Village - Balat, Police Station - Baheri and District – Darbhanga (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner of Darbhanga Division, Darbhanga.
2. The District Election Officer-cum-Collector of Darbhanga.
3. The Block Election Officer-cum-Block Development Officer, Baheri Block, Darbhanga.
4. The Returning Election Officer of the Baheri Block under District – Darbhanga.
5. Ganesh Yadav Son of Late Mukho Yadav, residing at Village - Balat, P.S. - Bahaeri, District - Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2 and
Mr. Avinash Kumar Singh, Advocates
For the State : Mr. Ravi Bhardwaj, A.C. to G.A. 13

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 09-03-2017

Heard learned counsel for the petitioner and the State.

The challenge in the present writ application is to the order dated 17.10.2016 passed by the Additional Registrar, Co-operative Societies, Bihar, Patna in Election Case No. 294 of 2014, by which the same has been dismissed.

Learned counsel for the petitioner submitted that the case has not been considered on merit and dismissal is only on the ground that the Primary Agricultural Credit Society for which the election was held and other persons who had participated in the



election were not made party.

Learned counsel for the State draws the attention of the Court to Section 10(2) of the Bihar State Election Authority Act, 2008 which stipulates that all contesting candidates have to be made party in an election petition. Learned counsel further submitted that even in the present case, the officer whose order is under challenge has not been made a party.

Having considered the aforesaid position, this Court is of the firm opinion that the petitioner has tried to steal a march over his rival by not making them a party despite the fact that it was a statutory requirement and not left either to the discretion or understanding of any party or person concerned. Moreover, the election case was filed in the year 2014 and the order was passed in October, 2016 and what was obligatory on the part of the petitioner right at the beginning, him not having complied with the said requirement even in October, 2016, the dismissal of the case by the Additional Registrar, cannot be faulted.

In view thereof, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

