

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5513 of 2017

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Chhotelal Prasad, Son of Late Bhagwan Das, Resident of Mohalla- Ward No. 20,
Raxaul, East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through the State Election Commissioner, State Election Commission, Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Bihar Patna.
3. The Chief Election Officer, Bihar, Patna.
4. The District Magistrate-cum-District Election Officer, East Champaran, Motihari.
5. The Sub-Divisional Officer-cum-Election Officer, Raxaul, East Champaran.
6. The Raxaul Municipality, East Champaran through its Executive Officer.
7. The Executive Officer, Raxaul Municipality, Raxaul under East Champaran, District.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar Sinha, Advocate
For the SEC	:	Mr. Amit Shrivastava and Mr. Girish Pandey, Advocates
For the State	:	Mr. R. S. Singh, A.C. to A.A.G. 7
For the Respondents No. 6 & 7 :	:	Mr. Devi Das Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-04-2017

Heard learned counsel for the petitioner, State, State
Election Commission and respondents no. 6 and 7.

2. The petitioner has moved the Court for quashing of the
reservation of seats for Nagar Parishad, Raxaul with regard to
reservation of Wards.

3. Learned counsel for the petitioner submitted that as per
the requirement of the Bihar Municipal Act, 2007 (hereinafter referred
to as the 'Act'), a maximum of 50% Wards have to be reserved for the
Scheduled Castes, Scheduled Tribes and Backward Classes, but out of



a total of 25 Wards only 6 Wards has been reserved for such categories. Learned counsel submitted that this is arbitrary and without consideration of either the objection filed by the petitioner or the statutory requirements.

4. Learned counsel for the State and the State Election Commission have assisted the Court with regard to the formula to be adopted for arriving at the total number of seats which are to be reserved under the Act.

5. Having considered the same, Form-7 notification clearly gives the details of the population of Scheduled Castes, Scheduled Tribes and the total population and also contains the actual computation of the number of seats to be so reserved for various categories. In terms of the calculation made in Form-7, copy of which has been made Annexure-2 to the writ application, and comparing the same with the requirement of Section 12(2) of the Act, the Court finds that the reservation of Scheduled Castes is 1, in accordance with their population, and with regard to the Backward Classes, the maximum permissible being 20% subject to 50% overall reservation, including Scheduled Castes and Scheduled Tribes, in the present case, 20% of the total 25 wards comes to 5 wards and the same has been allotted to Backward Classes and combining the wards reserved for Backward Classes and Scheduled Tribes, the total comes to 6. This is exactly



what is the requirement of the statutory provisions.

6. Accordingly, there being no merit in the writ application, the same stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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