

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3265 of 2017

=====

Rajani Kumari, D/o Sri Paras Kumar Yadav, R/o Vill.- Maulaganj, Aslampur Panchayat, P.S. + Block- Konch, Dist.- Gaya.

.... Petitioner/s

Versus

1. The State Election Commission Bihar, Patna through its Secretary State Election Commission, Bihar Sone Bhawan, Third Veerchand Patel Path, Patna.
2. The Election Commissioner, State Election Commission, Bihar, Sone Bhawan IIIrd, Veerchand Patel Path, Patna.
3. District Magistrate cum District Election Officer, Gaya.
4. The Sub Divisional Officer, Gaya.
5. The Block Development Officer, cum Returning Officer, Konch, Gaya.
6. Chitranjan Kumar Singh, S/o Sri Babu Ram Singh, R/o Village- Singhara, P.O.- Budhai, P.S.- Konch, Dist.- Gaya.
7. Archana Devi, W/o Chitranjan Kumar Singh, R/ Vill.- Singhara, P.O.- Budhai, P.S.- Konch, Dist.- Gaya.

.... Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Bibhuti Narayan with Mr. Ashok Kumar, Advocates
For the SEC	:	Mr. Amit Shrivastava with Mr. Girish Pandey, Advocates
For the Respondents No. 6 and 7	:	Mr. Sanjay Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 16-03-2017

Learned counsel for the petitioner, State Election Commission as well as the respondents no. 6 and 7 have assisted the Court.



The present writ application has been filed for quashing of order dated 20.02.2017 issued by the respondent no. 2 by which the petitioner has been declared disqualified from the post of Mukhiya of Gram Panchayat Aslampur in the district of Gaya under Section 136 (2) of the Bihar Panchayat Raj Act, 2006.

The Court would only like to indicate that the matter was heard at length on 07.03.2017 and 08.03.2017, when it was observed that despite the State functionaries having been made party, copy of the writ petition had not been served on learned counsel for the State. Today also the position is that no copy has been served on the State even though it is the reports by the State functionaries with regard to age of the petitioner, on the basis of which the impugned order is passed, and which have also been assailed.

This being the position, the Court has no hesitation to record that there has been deliberate and willful laches on the part of the petitioner and the time of the Court has been wasted, and clearly amounts to both delaying tactics and non-cooperation in judicial matters, where the proceeding has to be stalled only because of the act and laches on the part of the petitioner, as even when the State functionaries have been made party, still copy has not been served, despite the Court observing on the previous occasions with regard to the same.



Even on merits, since the petitioner had only one certificate at the time when she made an application for enrolling her as voter in January, 2016, that of the Matric examination issued by the Bihar School Examination Board of the year 2012, indicating her date of birth as 08.10.1996, her efforts to procure certificate showing her date of birth as 23.03.1993, are subsequent to the starting of the process of election held in the year 2016. The petitioner once having herself relied upon the date of birth as 08.10.1996 for the purpose of enrolling as a voter, is clearly not coming with clean hands, and there is deliberate attempt on her part to mislead the authorities and take undue advantage.

Further, as has been submitted by Mr. Amit Shrivastava, learned counsel appearing for the State Election Commission, her age has also been recorded as 19 years in the voter list of the year 2016.

For the reasons aforesaid, the Court is convinced that there is no error in the order impugned. Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	

