

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3023 of 2017

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Amit Kumar, aged about 51 years, Son of Late Jagarnath Rajak, Resident of
Mohalla - Chandmari Road, Road No. 1, P.S. Kankarbagh, District – Patna.

.... Petitioner/s

Versus

1. The Bihar State Election Commission through its Secretary, Old Secretariat,
Patna.
2. The Election Commissioner, Bihar State Election Commission, Old Secretariat,
Patna.
3. The District Magistrate-cum-District Returning Officer, Patna Municipal
Corporation, Patna.
4. The Deputy Development Commissioner-cum-Sr. In-charge, Election Officer,
Patna.
5. The Deputy Election Officer, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar and Mr. A. K. Sharma, Advocates
For the PMC	:	Mr. Prasoon Sinha, Advocate
For the SEC	:	Mr. Amit Shrivastava and Mr. Sanjeev Nikesh, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-04-2017

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

2. The petitioner has moved this Court being aggrieved
by treating Ward No. 35 of the Patna Municipal Corporation as



unreserved.

3. Learned counsel for the petitioner submitted that in terms of the exercise undertaken by the State Election Commission and its authorities, the reservation for the reserved category, more specifically, the Scheduled Castes has to be on the basis of their population in descending order. Learned counsel submitted that in terms of the publication made in Form-9, Ward No. 35 has a population of 1503 of Scheduled Castes and thus, the same should have been reserved for such category as it comes within the number of wards to be reserved for Scheduled Castes having their highest population, in descending order. Learned counsel submitted that the exercise undertaken, besides being erroneous for Ward No. 35, is also not correct for other constituencies where such formula has not been applied.

4. Learned counsel for the State Election Commission submitted that the petitioner has misunderstood Form-9, inasmuch as, there are 9 columns in the said form. He submitted that Column No. 1 is the serial number, Column No. 2 is the population of other categories in a descending order and Column No. 3 is the Ward number relating to Column No. 3. Similarly, Column No. 4 deals with the population of Scheduled Castes in descending order and Column No. 5 is the Ward number corresponding to Column No. 4.



Similarly, he submitted, that Column No. 6 deals with the population of Scheduled Tribes in descending order and Column No. 7 denotes such wards. He submitted that Column No. 8 discloses the total population of the constituencies in descending order and such wards are reflected in Column No. 9. He submitted that comparison of the same clearly indicates that what has been reflected in the publication made in Form-8 relating to Ward No. 35, where it has been shown that the population of Scheduled Tribes is 66, Scheduled Castes 572 and Others being 18358 and the total population being 18996 is also reflected by correct reading of Form-9.

5. Having considered the rival contentions, the Court finds that the prayer of the petitioner cannot be allowed, for the simple reason that Form-8 and Form-9 compared, reflects that the exercise undertaken by the State Election Commission and its authorities is in accordance with the requirements of the Bihar Municipal Act, 2007 read with the Bihar Municipal Election Rules, 2007, relating to reservation of Wards. Form 9, at the first look appears to be somewhat erroneous, but on scrutiny reveals that Columns 2-3, 4-5, 6-7 and 7-8 are to be looked into separately and do not relate to the same constituencies. Columns 2 and 3 are only concerned with the population of other categories whereas 4-5 and 6-7 relate to the population of Scheduled Castes and Scheduled Tribes,



respectively, whereas 8-9 relate to the total population.

6. Having gone through the said Form-8 and Form-9, the Court finds that the final reservation of the Wards as published in Form-10 is sound and does not need any interference.

7. Accordingly, the writ application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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