

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8277 of 2017

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Girja Devi Wife of Virendra Mahto Resident of Mohalla-Uttarwari Pokhara,
Bettiah, Police Station- Bettiah town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing, Government of Bihar, Patna.
2. The District Magistrate-cum-District Election Officer, District West Champaran.
3. The Sub Divisional Magistrate, Bettiah, District- West Champaran.
4. The Assistant Returning Officer Nagar Parishad Bettiah Cum-Block Development Officer, West Champaran at Bettiah.
5. Urmila Devi Wife of Lal Babu Sah Resident of Mohalla-Uttarwari Pokhara M.J.K. Nagar, Ward No. 6, Bettiah town Police station- Bettiah Town, District- West Champaran.
6. The Secretary, State Election Commissioner, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar No.-7, Advocate
For the State	:	Mr. Rajiv Roy, GP 1
For the SEC	:	Mr. Amit Shrivastava with Mr. Girish Pandey, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 28-08-2017

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

2. The grievance of the petitioner is against the election
of respondent no. 5 to the post of Ward Councillor of Ward No. 6,



Bettiah Nagar Parishad in the district of West Champaran.

3. Learned counsel for the petitioner submitted that the respondent no. 5 has committed fraud by misrepresenting her age. It was submitted that in the nomination paper filed, her age has been shown to be 52 years whereas her date of birth as recorded in the School Leaving Certificate is 15.11.1971 and in the Voter Identity Card issued by the Election Commission of India, as on 01.01.2002, her age has been shown as 32 years and further in the Aadhaar Card her date of birth recorded as 01.01.1952. Learned counsel submitted that she has also been drawing old age pension and in the beneficiaries list, copy of which was issued to the petitioner on 24.05.2017, her age has been shown as 64 years whereas in the nomination paper submitted as well as the affidavit affirmed by her, she claims to be aged about 52 years as of 01.01.2017.

4. After some arguments, learned counsel for the petitioner drew the attention of the Court to Annexure-3, which is copy of the complaint filed by another contesting candidate namely, Uma Devi against the respondent no. 5 raising the same issues. Learned counsel submitted that the State Election Commission has initiated action on the basis of Annexure-3.

5. Learned counsel for the State Election Commission submitted that the petitioner, if so advised, may independently also file a complaint before the State Election Commission so that all



materials available with her may be in the knowledge of the State Election Commission which would help in taking a final decision, in accordance with law.

6. Learned counsel for the State has no objection.

7. Learned counsel for the petitioner agrees to such proposal.

8. In view thereof, the writ petition stands disposed off with liberty to the petitioner to file an appropriate complaint before the State Election Commission within three weeks from today disclosing all materials which he may have to indicate that the respondent no. 5, who is a returned candidate, has played fraud with regard to disclosing her correct date of birth.

9. If such complaint is filed, the State Election Commission shall look into the same and decide the matter, expeditiously, in accordance with law. In view of the fact that fraud has been alleged and if any person has derived any benefit on account of fraud, the State Election Commission shall be conscious that the matter requires urgent consideration.

(Ahsanuddin Amanullah, J)

Anjani/-

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