

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4418 of 2014

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Md. Ali, Son of Late Abdul Qayum Resident of Village - Siswa, P.O. Betaha, P.S. Parihar, District – Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer-cum-Returning Officer, Sitamarhi Sadan, District – Sitamarhi.
4. The Block Development Officer, Parihar-cum-Executive Officer, Block - Panchayat Samiti, Parihar, District – Sitamarhi.
5. The State Election Commission through the Commissioner, State Election Commission, Bihar, Patna.
6. The Secretary, State Election Commission, Bihar, Patna.
7. Farhat Taraunum Wife of Imraul Haque Resident of Village - Ekdandi Parihar, P.S. Parihar, District – Sitamarhi.
8. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
9. Mr. Mahendra Kumar, D.M., Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Nath Dubey and Mr. S. K. Tiwari, Advocates
For the SEC	:	Mr. Mr. Amit Shrivastava and Mr. Girish Pandey, Advocates
For the State	:	Mr. Kumar Alok, S.C. 7 Mr. Raj Kumar Singh, A.C. to S.C. 7

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-07-2017

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

2. In view of the earlier order dated 17.05.2017, the
Court has been informed that the respondent no. 9 was present in
Court on the date fixed i.e. 3rd July, 2017 and because the case could



not be listed, he has marked his attendance before the Registrar General of this Court. That is one aspect of the matter.

3. Mr. Amit Shrivastava, learner counsel for the State Election Commission has produced Letter No. 3269 dated 03.07.2017 of the State Election Commission which indicates that respondent no. 9, the then Sub Divisional Officer, Sitamarhi Sadar, who was the Returning Officer of the election in question has been found to have committed irregularities with regard to rejection of the nomination paper of the petitioner for which the State Election Commission has asked the General Administration Department, Government of Bihar to call for an explanation and take steps in accordance with law.

4. Learned counsel for the State submitted that even the General Administration Department has issued show cause and appropriate action would be taken. He assures the Court that action shall be taken in right earnest and expeditiously.

5. In view of the aforesaid, as no substantive relief can be granted to the petitioner, as the elections have been held more than two years back, the writ petition stands disposed off. However, the Court expects that action, both by the State Election Commission and the State are not only taken but the same are taken seriously and expeditiously.

6. At this juncture, on prayer of learned counsel for the



petitioner, the Court would only observe that the petitioner would have liberty to move before the appropriate forum, in accordance with law, against the respondent no. 9, in his personal capacity, for seeking damages/compensation.

(Ahsanuddin Amanullah, J.)

P. Kumar

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