

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18567 of 2016

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Raju Prasad Mehta Son of Late Motilal Mehta, resident of Mohalla- Fakari, P.S.-
Nawada, Arrah, District- Bhojpur at Arrah.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development of and Housing Department,
Government of Bihar, New Secretariat, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate-cum- District Election officer (Municipality), Bhojpur,
District- Bhojpur at Ara.
5. District Deputy Election Officer (Municipality), Bhojpur, District- Bhojpur at
Ara.
6. The Sub-Divisional Officer, Sadar Ara, District- Bhojpur at Ara.
7. The State Election Commission through the State Election Commissioner, State
Election Commission, Sone Bhawan, Patna.
8. The State Election Commissioner, State Election Commission, Bihar, Patna.
9. The Secretary, State Election Commission, Bihar, Patna.
10. The Joint Election Commissioner-cum-Additional Secretary, State Election
Commission, Bihar, Patna.
11. The Municipal Commissioner, Ara Municipal Corporation, Arrah, District-
Bhojpur at Arrah.
12. The Mayer/Chief Councillor, Ara Municipal Corporation, Arrah, District-
Bhojpur at Arrah.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Nityanand Mishra, Advocate
For Respondent No.8 : Mr. P.K. Verma, AAG-3
Dr. Anand Kumar, AC to AAG-3
For Respondent Nos.7 & 8 : Mr. Amit Shrivastava, Advocate
Mr. Girish Pandey, Advocate
For Respondent Nos.11 & 12 : Mr. Bishwa Bibhuti Kumar Singh, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and



HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 26-04-2017

Petitioner has filed this writ petition *pro bono* and calls in question a notification dated 13th of October, 2016 issued by the State Election Commission, Bihar, whereby certain processes have been initiated for reservation of seats in various Wards for Scheduled Caste, Scheduled Tribe, Backward Caste, Female Councillors etc. Challenging the process of reservation initiated and the reservation done, the writ petition has been filed.

The general election to the public bodies in the local authorities in the State of Bihar has been notified by the Election Commission for the year 2017 and the election process has already commenced and, therefore, at this stage when the election process has already commenced, indulgence into the matter in a writ petition under Article 226 of the Constitution is not permissible. The petitioner has to challenge the reservation and allocation of seats after the elections are over by resorting to the remedy of election petition available under the statute.

At this stage, we are not inclined to interfere into the matter because the process of election is over and the notification issued by His Excellency the Governor of State of Bihar on 19.04.2017 and in view of the law laid down by the Supreme Court in



the case of Harnek Singh vs. Charanjit Singh (2005) 8 SCC 383.

In view of aforesaid, the writ petition is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.05.2017
Transmission Date	

