

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1289 of 2017

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Mansur Alam S/o Late Md. Nesar R/o Village Koath, Ward no. 5, P.S. Dawath,
Dist. Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna
3. The Secretary, State Election Commission, Bihar, Patna
4. The District Election Officer (Nagarpalika)-Cum-District Magistrate, Rohtas,
5. The District Panchayat Raj Officer, Rohtas (Sasaram)
6. The Executive Officer, Nagar Panchayat Koath, Dist. Rohtas
7. The Sub Divisional Officer, Bikramganj, Dist. Rohtas.
8. The Block Development Officer-cum-Election Officer, Nagar, Panchayat Koath, Rohtas
9. Dharmendra Kumar S/o Shambhu Choudhary, R/o Village Gangati, P.O. Koath, P.S. Dawath, Dist. Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Pathak, Advocate.
For the SEC	:	Mr. Amit Shrivastava, Advocate. Mr. Sanjeev Nikesh, Advocate.
For the State	:	Mr. Rajiv Roy, GP 1 Mr. Suresh Singh, AC to GP 1

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 15-02-2017

Heard learned counsel for the parties.

Counter affidavit has been filed on behalf of the respondent no. 3 as also respondents no. 4 to 8.

The basic grievance of the petitioner was that Ward No. 5 of Nagar Panchayat Koath in the District of Rohtas has been a General Category Ward since 2002, 2007 and 2012 and thus, for the present election, which would be the fourth, the same again being



unreserved is not justified.

The martial brought on record in the counter affidavit disclose that the reservation of Wards shall be by rotation, under the guidance of the State Election Commission, as per the statutory provisions.

Learned counsel appearing on behalf of the concerned respondents have assisted the Court and have submitted that the said rotation shall be reckoned after coming into effect of the Bihar Municipal Act, 2007 and the present would be the second election to be held after that. They have drawn the attention of the Court to the chart which reveals that Ward No. 5 is at the bottom and since the reservation is required to be made in a descending manner, the said ward cannot be reserved, at least for the forthcoming election.

Having gone through the materials on record, the Court is satisfied that the grievance of the petitioner, as raised in the present writ application, with regard to non-reservation of Ward No. 5, does not require any interference. In view thereof, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J)

Prakash/-

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