IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6658 of 2017

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1. Karnvir Singh Yadav, Son of Sri Ram Bilash Singh.
2. Pushpa Kumari, Wife of Karnvir Singh Yadav.
   Both residents of Chunakhari, Ward No. 17, Police Station- Barh, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate-cum-District Election Officer, Patna.
3. The Sub-Divisional Officer-cum-Registering Officer, Nagar Palika, Barh, Patna.
4. The Block Welfare Officer-cum-Revising Authority, Barh, Patna.
5. The Block Development Officer, Barh, Patna.
6. The State Election Commission, through the Election Commissioner, Bihar, Sone Bhawan, 3rd Floor, Birchand Patel Path, Patna.
7. The Secretary, State Election Commission, Sone Bhawan, 3rd Floor, Birchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Mr. Rajesh Ranjan and Mr. Pankaj Kumar Singh, Advocates
For the SEC	:	Mr. Amit Shrivastava and Mr. Girish Pandey, Advocates
For the State	:	Mr. Md. Obaidullah, A.C. to S.C. 10

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 03-05-2017

Heard learned counsel for the petitioners and the State.

2. The writ petition has been filed seeking the following reliefs:

> "(i) For setting aside the letter contained in Memo No. 1011 dated 27.04.2017 issued by Respondent No. 2 whereby representation filed by the petitioner has been rejected without considering all relevant materials including the report dated 19.04.2017 in derogation of the order dated 26.04.2017 passed in C.W.J.C. No. 6309 of 2017.

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(ii) For directing the respondents to include the name of the petitioners in the voter list of Ward No. 17 made for Barh Nagar Parishad forthwith.

(iii) For directing the respondents to stay the insuing election of Ward No. 17, Nagar Palika Election 2017 till name of petitioners be included in the voter list of Ward No. 17, Barh Nagar Parishad.

(iv) For grant of any other relief/reliefs to which the petitioner be found entitled in the eye of law."

3. The petitioners had filed an application for addition of their name in the voter list of Ward No. 17 of Barh Nagar Parishad and when the same was not considered, they moved the Court in C.W.J.C. No. 6309 of 2017, which was disposed off by order dated 26.04.2017, directing the respondent no. 2 to take a final decision and pass appropriate orders, including the report submitted by the Block Welfare Officer dated 19.04.2017. Pursuant to the same, the petitioners submitted representation to the respondent no. 2 on which an order was passed on 27.04.2017, by which such request has been refused. The same is impugned in the present writ application.

4. Learned counsel for the petitioners submitted that the ground taken by the respondent no. 2, to reject the prayer for including their name in Ward No. 17 of Barh Nagar Parishad is erroneous as the same has been done for the reason that the name

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of the petitioners is in the voter list for the Assembly Constituency No. 179 pertaining to Barh, which is not correct inasmuch as, their names have been deleted from such voter list. In support of such contention, learned counsel has drawn the attention of the Court to annexure P/7 to contend that the list down loaded from the website neither contains the serial numbers of the petitioners nor their names. Learned counsel submitted that once the names of the petitioners stand deleted from the Assembly Constituency voter list, coupled with the fact that there is a recommendation in favour of the petitioners by the Block Welfare Officer in his report dated 19.04.2017, their name was required to be included in Ward No. 17 of Barh Nagar Parishad.

5. Learned counsel for the State submitted that the ground taken in the order impugned is factually correct. It was submitted that an attempt was made yesterday to access the site from where the petitioners had downloaded the documents, copy of which has been made Annexure-P/7, but the same being inaccessible, a report has been obtained from the Election Registration Authority for 179- Bihar Vidhan Sabha Constituency-cum-Land Reforms Deputy Collector, Barh, who has given a certificate under Memo No. 450 dated 02.05.2017 to the effect that the name of the petitioner no. 1 is at serial no. 790 whereas that of

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petitioner no. 2 is at serial no. 801, copy of the same has been produced before the Court and is being kept on record.

6. The only issue involved before the Court is as to whether, as a matter of fact, the names of the petitioners are present in the 179- Bihar Vidhan Sabha Constituency voter list or not. A certificate being produced before this Court from the Competent Authority, who is the Registration Officer for 179- Bihar Vidhan Sabha Constituency, to the effect that the name of the petitioners is at serial nos. 790 and 801, cannot be brushed aside, at least by the Court in the present judicial proceeding, as there is presumption in law to the correctness of official records. Thus, the information which the petitioners may have downloaded from the web cannot negate the certificate brought before the Court and issued by the Election Registration Officer for 179- Bihar Vidhan Sabha Constituency.

7. Unless the names of the petitioners are deleted from the voter list for the Assembly Constituency, which makes them residents outside the geographical limit of Barh Nagar Parishad, there cannot be any fresh entry of their names in any of the Wards of Barh Nagar Parishad.

8. In view of the aforesaid, the Court does not find any ground to interfere in the matter. Accordingly, the writ

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petition stands dismissed.

9. However, the writ petitioners would not be precluded to take appropriate steps, in accordance with law, before the appropriate authority/forum, at the appropriate stage.

(Ahsanuddin Amanullah, J.)

P. Kumar

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