

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.263 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 17965 of 2014**

=====

Sharmila Devi Wife of Fekan Paswan Resident of Village Mohini Mandal Tola,
Bishnusing P.S. Majorganj, District - Sitamarhi.

.... Petitioner - Appellant

Versus

1. The State of Bihar, through Secretary Bihar State Co-operative Societies, Patna
 2. The Bihar State Election Authority 32 Harding Road, Patna, through, Chief Election Officer, Patna
 3. The District Magistrate Sitamarhi
 4. The District Co-operative Societies, Sitamarhi
 5. The Block Development Officer, Block Superintendent, Dist. – Sitamarhi
- Respondents /Respondents 1st Set.
6. Dheeraj Kumar Singh, Son of Raj Narayan Singh
 7. Meena Devi Wife of Ram Babu Singh Both resident of village - Mohini Mandal Tola, Bishun Singh P.S. Majorganj, District - Sitamarhi.
 8. Sheoji Rai Son of Ram Bhavan Rai
 9. Surendra Kumar Son of Horilal Both resident of village - Mohini Mandal, Post Mohini Mandal, P.S. - Majorganj, District - Sitamarhi.
 10. Surendra Pandit, Son of Deo Narayan Pandit Resident of Mohini Mandal, Tole Ramaka, P.S. - Majorganj, District - Sitamarhi.
 11. Shail Devi Wife of Shankar Mukhiya Resident of Village - Mohini Mandal, P.S. - Majorganj, District - Sitamarhi.
 12. Nawal Kishore Kumar Son of Ram Bachhan Ram Resident of Village - Mohini Mandal, P.S. - Majorganj, District - Sitamarhi.
 13. Savita Devi Wife of Parshuram Paswan Resident of Mohini Mandal, P.S. Majorganj, District - Sitamarhi.
 14. Ram Chandra Mukhiya Son of Sheoji Mukhiya Resident of Village - Mohini Mandal, P.S. - Majorganj, District - Sitamarhi.
 15. Ambrishanand Son of Late Keshari Nandan Mishra Resident of Village - Mohini Mandal, P.S. - Majorganj, District - Sitamarhi.
 16. Ajay Rai Son of Surendra Rai
 17. Sita Devi Wife of Krishan Deo Rai
 18. Bachhi Devi Wife of Ramhit Sah All resident of village - Mohini Mandal, P.S. - Majorganj, District - Sitamarhi.
 19. Mohini Mandal, Primary Agriculture Cooperative Society through Manager having its address in village Mohini Mandal, P.S. - Majorganj, District - Sitamarhi.
- Respondents/Respondents 3rd Set.

=====

Appearance:

For the Appellant/s : Mr. Yogendra Mishra and
Mr. Alok Kumar Jha, Advocates.
For the Respondent/s : Mr. Shiv Kumr, AC to GA 3.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and



HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 23-06-2017

Heard learned counsel for the appellant and learned counsel for the respondents.

Perused the order dated 07.11.2014.

The issues relating to refusal or prevention of the appellant from filing his nomination by vested interest despite his name being in the voters' list was the cause of action before the learned Single Judge. The learned Single Judge has taken note of the fact that no such evidence, materials, etc. was brought before that Court which required adjudication under Article 226 of the Constitution of India.

Even otherwise, non-acceptance of nomination or rejection or otherwise are governed by a complete code and, therefore, Article 226 rightly is not the remedy, which the learned Single Judge refused to exercise.

The appeal is dismissed.

No interference is warranted with the impugned order dated 07.11.2014.

The other issues which are now sought to be raised in the appeal through the rejoinder application filed today have no bearing or



co-relation to the impugned order passed by the learned Single Judge.
Those are separate cause of action.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.06.2017
Transmission Date	N/A

