

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6727 of 2017

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Basanti Devi wife of Sri Jagdish Pandit, resident of Mohalla Warsalignj, Ward No. 51, P.S. Majahidpur, District Bhaglpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Election Commission (Nagal Palika), Bihar through the State Election Commission, Sone Bhawan, 3rd Floor , Birchad Patel Path, Patna
3. The District Magistrate cum District Election Officer, (Nagar Nigam), Bhagalpur.
4. The Election Officer (Nagar Nigam) Bhagalpur cum Addl. Collector cum District Public Complaint rederesal Officer, Bhagalpur.
5. Block Development Officer cum Revising Authority, Bhgalpur
6. The Sub-Divisional Officer cum Registry Officer, Jagdishpur, Bhagalpur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Aditya Narayan Singh-1, Advocate
For the SEC	:	Mr. Amit Shrivastava with Mr. Girish Pandey, Advocates
For the State	:	Mr. Gyan Prakash Ojha, GA 7 with Mr. Ajit Kumar, AC to GA 7

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 04-05-2017

Heard learned counsel for the parties.



2. The writ petitioner has assailed the order of the Returning Officer for election of Members of Bhagalpur Nagar Nigam by which her nomination paper as a prospective candidate for the post of Member from Ward No. 51 of Bhagalpur Nagar Nigam has been rejected.

3. Learned counsel for the petitioner submitted that the sole ground for rejection is that the nomination papers were not accompanied by the caste certificate as required in law. He submitted that such information is derived from the newspaper report published on 30.04.2017 in the daily Hindi newspaper '*Dainik Bhaskar*' (Bhagalpur Edition). Learned counsel further submitted that such ground is totally contrary to the records, for along with her nomination paper, she had enclosed copy of her caste certificate also.

4. In such background, Mr. Amit Shrivastava, learned counsel for the State Election Commission, at the very outset, fairly submitted that in terms of the directive issued by the State Election Commission dated 27.03.2017, as per the check list, if what has been contended is correct, the State Election Commission shall have no hesitation in rectifying such error.

5. Having considered the matter, the writ petition stands disposed off with a direction to the State Election Commission to call for the records from the concerned Returning Officer and verify the fact as to whether the contention of the petitioner that she



had submitted her nomination papers enclosing copy of the caste certificate is correct; and if the same is correct and also if that is the ground for rejection, appropriate orders shall be passed. The Court makes it clear that only on this ground alone if the nomination paper has been rejected, the State Election Commission shall interfere and if there are other grounds, the same shall be dealt with on its own merits, at the appropriate stage, in accordance with law.

6. The Court is confident that the exercise would be completed expeditiously, so as to prevent any undue prejudice/advantage to the petitioner.

7. To facilitate the matter, the petitioner shall serve a copy of this order on the Secretary, State Election Commission, latest by tomorrow.

8. Final decision and follow-up action required at the level of the State Election Commission be done latest by 12th May, 2017. In the event the State Election Commission takes a decision in favour of the petitioner, all procedural requirements/formalities contemplated under law shall be completed so that the petitioner is also a candidate in the election to be held on 21st May, 2017.

(Ahsanuddin Amanullah, J)

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