

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.994 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 2959 of 2017

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Ruby Kumari, wife of Santosh Kumar Yadav, resident of Harna, P.S. Dariyapur,
District- Saran

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar,
Patna
3. The Director, Panchayati Raj Department, Government of Bihar, Patna
4. The District Magistrate-cum-District Election Officer (Panchayat), Saran at
Chapra, District- Saran at Chapra
5. The Sub Divisional Officer, Sonapur, District- Saran at Chapra
6. The Senior Deputy Collector, District Legal Cell, Saran at Chapra, District-
Saran at Chapra
7. The Block Development Officer, Dariyapur, District- Saran
8. The State Election Commission (Panchayat) Bihar through the State Election
Commission, Sone Bhawan, 3rd Floor, Birchand Patel Path, Patna
9. Ramawati Devi, wife of Manager Singh, resident of Village- Jalapur, P.O. Bela,
P.S. Dariyapur, District- Saran
10. Gyanti Devi
11. Malti Devi
12. Rita Devi
13. Nasima Khatoon
14. Champa Devi
15. Shail Devi, All are members of Block Panchayat Samiti Dariyapur, District-
Saran through the Block Development Officer, Dariyapur, P.O. Dariyapur,
District- Saran
16. The Bihar School Examination Board
17. Madan Kumar, son of not known, the then Sub Divisional Officer, Sonapur

.... Respondent/s



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Appearance :

For the Appellant/s : Mr. Sandeep Kumar, Advocate
Mr. Vivekanand Singh, Advocate
For the Respondent/s : Mr. Ravi Ranjan, Advocate
Mr. Amit Shrivastava, Advocate
Mr. Girish Pandey, Advocate
Mr. S.B.K. Manglam, Advocate
Mr. Dharendra Kumar, A.C. to AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-08-2017

This is an appeal under Clause 10 of the Letters Patent, seeking exception to an interlocutory order passed in a pending writ petition.

Having heard learned counsel for the parties at length, we find that the primary objection raised by the learned counsel for the appellant is that in accordance to the scheme notified on 3rd of June, 2009 against the orders passed by the District Magistrate, a provision for revision is available before the Election Commission and, therefore, the learned Writ Court should not have interfered into the matter.

We find that the powers of revision, as are available in



the notification, is a *suo motu* power of revision. That apart, the detailed order passed by the learned Writ Court goes to show that the Writ Court itself has directed the State Election Commission to look into the matter, cause certain inquiry and submit a report to the Court. That being so, looking to the nature of the order passed and the right available to the appellant to ventilate his grievance or objection before the State Election Commission in pursuance to the impugned interlocutory order, we are not inclined to interfere into the matter.

Accordingly, we dispose of the Letters Patent Appeal granting liberty to the parties to raise all their objections before the State Election Commission where the matter is pending consideration on orders passed by the learned Writ Court.

Learned counsel for the Election Commission made a prayer that the time fixed by the learned Writ Court having been expired due to pendency of this appeal, the time be extended.

Liberty is granted to the counsel representing the Election Commission to make a mention with regard to all these aspects of the matter before the learned Writ Court and it is for the learned Writ Court to consider the prayer and grant extension as may be permissible under law.

During the course of hearing, learned counsel for the appellant made certain grievance with regard to an interim order



passed on 07.03.2017 and tried to indicate that the order is unsustainable.

However, order dated 07.03.2017 having not been challenged in this appeal, we are not inclined to go into the said question. Appellant, if advised, may challenge that order in accordance with law.

With the aforesaid, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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