

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8846 of 2015

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Sahdeo Rai, Son of Sri Sheetal Rai, Resident of Village Dighi khurd, P.S Hajipur Sadar, P.O. Dighi Kala, District Vaishali at Hajipur, presently Vice Chairman, Vaishali Zila Parishad, District Vaishali at Hajipur.

.... Petitioner

Versus

1. Union of India through the Ministry of law and Justice, Government of India New Delhi.
2. The secretary, Ministry of law and Justice, Government of India, New Delhi.
3. The Cabinet Secretary, Ministry of Parliament Affairs, Government of India, New Delhi.

Respondent 1st Set

4. The Election Commission of India, Nirvachan Sadan, New Delhi through the Chief Election Commissioner.
5. The Chief Election Commissioner, Election Commission of India, Nirvachan Sadan, New Delhi.
6. The Secretary, Election commission of India, Nirvachan Sadan, New Delhi.

.... Respondent 2nd Set

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Appearance:

For the Petitioner/s : Mr. Shashi Bhushan Kumar -Manglam
For the Respondent nos. 1 to 3 : Mr. S.D Sanjay, A.S.G.
Mr. Anshuman Singh, C.G.C.
For Respondent Nos. 4 to 6 : Mr. Siddhartha Prasad, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 10-02-2017

The petitioner has invoked the writ jurisdiction of this Court for a declaration that the provisions contained under Section 6(1) of the Representation of the People's Act, 1951 prescribing qualification for membership of a Legislative Council is ultra virus to the constitutional provisions as contained under Article 171 (3) (a) of



the Constitution of India, so far its applicability for election for the membership of a Legislative Council for Local Authorities is concerned.

We do not find that the writ application for seeking amendment to the Act prescribing qualification for the members of the Legislative Council is maintainable as there cannot be any direction to the Legislature to frame a law and in a particular manner.

The writ application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.02.2017
Transmission Date	

