

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12665 of 2017

=====

Smt. Laxmi Devi, Wife of Sri Mahendra Kumar, D/o Late Manki Sao, R/o Village- Bumer, P.O.- Jaigir barachatti, P.S + Block- Barachatti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Bihar State Election Commission, 3rd Floor, Sone Bhawan Bir Chand Patel Path, Patna through its Secretary.
3. The Bihar State Election Commission, Bihar State Election Commission 3rd Floor, Sone Bhawan Bir Chand Patel Path, Patna.
4. The Deputy Secretary, Bihar State Election Commission, 3rd Floor, Sone Bhawan, Bir Chand Patel Path, Patna through its Secretary.
5. The District Magistrate-cum-Election Officer, Gaya.
6. The Sub-Divisional Officer-cum-Election Officer, Zila Parishad, Nirwahan Chhetra, Gaya.
7. Smt. Karuna Kumari, W/o Sri Amit Kumar, D/o Sri Ram Dahin Prasad, R/o Village- Sriram Bigha, P.O.- + P.S.- + Block- Gurua, District- Gaya.
8. Umesh Prasad, S/o Late Ram Chandra Prasad, R/o village+ P.O. + P.S.- Banke Bazar, District- Gaya.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
For the SEC	:	Mr. Amit Shrivastava and Mr. Girish Pandey, Advocates
For the State	:	Mr. Ravi Verma, A.C. to G.P. 4
For the Respondent No. 7	:	Mr. S. B. K. Mangalam, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-09-2017

Heard learned counsel for the petitioner; State; State
Election Commission and the respondent no. 7.

2. Basically, the petitioner is aggrieved by non disposal
of Case No. 36 of 2016, filed by him and the respondent no. 8,
against the respondent no. 7, alleging that she does not belong to
Dangi caste on the basis of which she has derived benefit and has



also been elected from the Gurua constituency of Zila Parishad, Gaya and later on also Chairman of Zila Parishad, Gaya.

3. The grievance is that despite in the earlier round before the Court in C.W.J.C. No. 19127 of 2016 and C.W.J.C. No. 12160 of 2016, where the Court by order dated 21.06.2017, had also directed to dispose off the writ petition with liberty to the respondent no. 7 to approach the Caste Scrutiny Committee with regard to getting a declaration relating to her caste observing that in case there is a favourable decision in her favour, she will have liberty to approach the State Election Commission for reconsideration, if so required. Further, the Court had specifically vacated the interim order dated 22.02.2017, which had restrained the State Election Commission from passing final order.

4. Learned counsel for the petitioner submitted that the order clearly required the State Election Commission to proceed with passing final order with regard to which it had been restrained, which would be clear from the Court recording that if the respondent no. 7 got a favourable decision in her favour from the Caste Scrutiny Committee, she shall be at liberty to approach the State Election Commission for *reconsideration*. He submitted that *reconsideration* clearly implies that a decision is already taken which needs fresh consideration i.e., *reconsideration*. It was submitted that in the



present case, no effective hearing is taking place and the case is fixed from date to date, which, in fact, is in violation of the import and substance of the order dated 21.06.2017.

5. Learned counsel for the State Election Commission, without going into the merits, at the very outset, submitted that he was giving a categorical undertaking to the Court that Case No. 36 of 2016, shall be heard and final orders shall be passed within one month from today.

6. Learned counsel for the respondent no. 7 submitted that in view of certain developments during the interregnum period with regard to which he has also approached the appropriate forum/Court, his interest may be prejudiced if the proceeding instituted by him are not heard. He therefore prays that the State Election Commission may not hurriedly pass an order.

7. Having considered the matter, especially in view of the direction given by this Court in its earlier order dated 21.06.2017 in C.W.J.C. No. 19127 of 2016 and analogous case and also keeping in mind the categorical undertaking given by learned counsel appearing for the State Election Commission, despite the Court not being pleased with the matter having been kept pending, directs that the case be disposed off by passing final orders expeditiously and latest within five weeks from today.



8. The parties are agreeable that all developments, which take place till the last date of hearing, if brought before the State Election Commission by the parties, shall be taken into consideration while passing final order.

9. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

