

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12554 of 2017

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Jagdish Yadav, Son of Late Bandhu Yadav, Resident of Village- Salupra, P.O.-
Gurua, P.S.- Gurua, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department,
Government of Bihar, Patna.
2. The Principal Secretary, Cooperative Department, Government of Bihar, Patna.
3. The Registrar, Cooperative Societies, Government of Bihar, Patna.
4. The Bihar State Election Authority, 32, Harding Road, Patna through the
Secretary.
5. The Secretary, The Bihar State Election Authority, 32, Harding Road, Patna
6. The District Magistrate-cum-District Election Officer (Cooperative), Gaya,
District-Gaya
7. The District Cooperative Officer, Gaya, District- Gaya.
8. The Block Cooperative Officer, Gurua Block, District- Gaya.
9. Sri Umesh Kumar Verma, Son of Sri Jethan Mahto, Resident of Village- Sri Ram
Bigha, P.O.- Gurua, P.S.- Gurua, District- Gaya, Presently Chairman, Gurua
Block Vyapar Mandal Cooperative Society Ltd., P.O. and P.S.- Gurua, District-
Gaya.
10. Block Development Officer, Gurua, District-Gaya

.... Respondent/s

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Appearance:

For the Petitioner/s	: Mr. S.B.K. Manglam, Advocate Ms. Anita Kumari, Advocate
For the State Election Authority	: Mr. Mukesh Kumar
For the State	: Mr. Chittranjan Sinha, PAAG-2
For the Respondent No. 9	: Mr. Ishwari Singh, Advocate Mr. S.K. Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-09-2017

Heard learned counsel for the petitioner, State, State
Election Authority and respondent no. 9.

2. Let the petitioner implead the Block Development
Officer, Gurua, Gaya as respondent no. 10. Let necessary corrections
be made in the writ petition by learned counsel for the petitioner
during the course of the day.

3. The petitioner has moved the Court for the following



reliefs:-

“(I) *For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the voter list dated 21.07.2017 published by the Respondents no. 7, 8 and 9 for holding the election of Managing Committee of Gurua Vyapar Mandal on the ground that from the aforesaid voter list, the Respondents have deliberately deleted the name of 433 voters from the voter list prepared for holding 2012 election of the aforesaid Vyapar Mandal and had further included the name of 163 voters in the voter list of 2017, who were not the voters in 2012 election.*

(II) *For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to prepare a fresh voter list for holding 2017 election of Gurua Vyapar Mandal on the basis of the voter list prepared for holding 2012 election of the aforesaid society without any inclusion thereto or exclusion therefrom in view of the directions issued by the State Election Authority as contained in its memo no. 544 dated 19.08.2016 and to hold the election of the said Vyapar Mandal only thereafter.*

(III) *For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”*

4. At the very outset, learned counsel for the State Election Authority submitted that on the grievance of the petitioner, a report



was called from the Joint Registrar, Co-operative Societies, Magadh Division, Gaya and the same has been received under letter no. 390 dated 04.09.2017 in which the contention of the petitioner has been found to be correct. It was submitted that in the said view of the matter, consequences shall follow in terms of the recommendation of the Joint Registrar in his letter dated 04.09.2017 with regard to giving directions to the respondent 10, who is also the Returning Officer of the election in question.

5. In view of the aforesaid, the writ petition stands disposed off with a direction to the State Election Authority to direct the respondent no. 10 to make necessary corrections in the voter list in terms of the communication dated 04.09.2017.

6. Before parting with the order, in view of the fact that such glaring irregularities committed, either by the Chairman of the Societies concerned or the Officers concerned, coming to the notice of the Court in various such matters, it would require the State Election Authority to take cognizance of the same and ensure that such irregularities are checked, for which some general directions be issued / steps taken.

(Ahsanuddin Amanullah, J)

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