

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1808 of 2017

In

Civil Writ Jurisdiction Case No. 19823 of 2016

With

Interlocutory Application No. 9260 of 2017.

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Ajay Kumar Kushwala son of Sri Nathuni Prasad Singh Resident of village
- Dumduma, P.O. Nandlalpur, P.S. Vaishali, District - Vaishali.

.... Appellant

Versus

1. The Election Commission of India through the Chief Election Commissioner, Nirvachan Bhawan, Ashok Road, New Delhi.
2. The Chief Election Commissioner, Election Commission of India, Nirvachan Bhawan, Ashok Road, New Delhi.
3. The Sub-Divisional Officer, Vaishali-cum-Returning Officer (Legislative Council Election), Vaishali, District - Vaishali.
4. Subodh Kumar, son of Harinath Rai, Resident of Village - Mohammadpur, P.O. - Bavantoli, P.S. Goraul, District - Vaishali.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. S.B.K. Mangalam and
Ms. Anita Kumari, Advocates.

For the Respondents : Mr. Siddhartha Prasad and
(Election Commission) Mr. Om Prakash Kumar, Advocates.

For the Respondent no. 4: Mr. Suman Kumar Jha, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-02-2018

Heard.

Delay condoned.

Challenge to the election of the respondent no. 4 as a
Member of the State Legislative Council, Bihar from Vaishali
Local Authority Constituency has been rejected by the learned
Writ Court on the ground that when statutory remedy of election
petition is available, exercising extra-ordinary jurisdiction under



Article 226 of the Constitution is not called for.

A detail reasoned order has been passed by the learned Writ Court advertng to consider various judgments of the Hon’ble Supreme Court on the issue in question and we do not see any reason for the same warranting reconsideration.

The appeal is dismissed.

(Rajendra Menon,CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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