

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3072 of 2016

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Pinki Rastogi, Wife of Govind Kumar Rastogi, resident of Village- Satti, Chaura,
Balua, P.O.- Lakhminia, P.S.- Balua, District- Begusarai.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The State Election Commission through its Secretary, Sone Bhawan, Birchand Patel Path, Patna.
4. The District Magistrate, Begusarai cum District Returning Officer, Begusarai.
5. The LRDC Balua, Sub-division cum Returning Officer, Balua Nagar, Panchayat.
6. The Circle Officer, Balua Anchal, Balua, Begusarai.
7. Champa Devi, wife of Sunil Sharma, Ward Commissioner from ward No. 15 and Chairman of Balua Nagar, Panchayat, resident of Village- Sheran Chak, Balua, P.O- Lakhminia, P.S.- Balua, District- Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ashutosh Ranjan Pandey, Advocate Ms. Usha Kumari, Advocate
For the Respondent-State	:	Mr. Madhaw Pd. Yadav, GP-23
For the Respondent-SEC	:	Mr. Amit Shrivastva, Advocate Mr. Girish Pandey, Advocate
For the Respondent No.7	:	Mr. Bindhyachal Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 19-06-2018

Heard the parties.

2. The instant writ petition has been filed by the
petitioner for challenging the action on the part of the respondent



no.5 LRDC Balia, Sub-division-cum-Returning Officer, Balia Nagar Panchayat, who has rejected nomination form of the petitioner for election of Balia Nagar Panchayat in the district of Begusarai on the basis of letter dated 08.02.2016 issued by respondent no.6, Circle Officer, Balia by which caste certificate of the petitioner showing her as Awadh Baniya has been cancelled.

3. It is not disputed that the election of Balia Nagar Panchayat in the district of Begusarai has already been held and result has also been declared long back on 3rd March, 2016.

4. It is well settled position of law that once election process is completed and result of election is declared, any challenge to rejection of nomination can only be made by way of filing an election petition under the provision of the Municipal Act.

5. In that view of the matter, the writ petition is dismissed as not maintainable.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2018
Transmission Date	NA

