

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.2533 of 2016**

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1. Arti Devi wife of Sri Sunil Singh resident of village- Dulahpur, Gram Panchayat, Dulahpur, Block- Simri, District Buxar
  2. Uzair Alam Quazi son of Quazi Mukhtar Alam, resident of village- Kajipur, Gram Panchayat- Kajipur, Block- Simri, District- Buxar
  3. Arun Kumar Thakur son of Sri Bhim Thakur, resident of village- Gangauli, Block-Simri, Gram Panchayat- Gangawli, District- Buxar
  4. Indu Devi wife of Sri Atma Dubey, resident of village-Dhakerich, District- Buxar
  5. Geeta Devi wife of Sri Bir Bahadur Sharma, resident of village- Diyaman, Gram Panchayat-Kathar, Block-Simri, District- Buxar

**Versus**

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. State Election Commission, Bihar, Patna
3. Secretary, State Election Commission, Bihar, Patna
4. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna
5. District Magistrate-cum-District Election Officer (Panchayat), Buxar
6. Sub-Divisional Officer, Dumraon, Buxar
7. Block Development Officer, Simri Block, Simri, P.O.-Simri, District- Buxar
8. The State Election Commission (Panchayat), Sone Bhawan, Patna
9. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : None

For the Respondent/s : Mr. Prateek Kumar Singh, AC to GA-5

For the State Election Commission : Mr. Amit Shrivastava, Advocate

: Mr. Sanjeev Nikesh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**



ORAL JUDGMENT

**Date: 15-05-2018**

Despite repeated calls, no body appears for the petitioners.

2. Heard Mr. Sanjeev Nikesh, learned counsel appearing for the State Election Commission and Mr. Prateek Kumar Singh, learned Assistant Counsel to Government Advocate No.5 and perused the record.

3. In the instant case the petitioners have challenged the paragraphs 9 and 10 of the directions issued by the State Election Commission vide letter no.2144 dated 17.12.2015 addressed to the all the District Magistrate-cum-District Election Officer (Panchayat) of the State whereby and where-under it has been directed that after reservation of posts for the Scheduled Castes and Scheduled Tribes category in descending order of their population in a particular territorial constituency, seats would be further reserved for backward classes in descending order of total population of remaining territorial constituencies.

4. From perusal of the petition it would be evident that the petitioners' case is that paragraphs 9 and 10 of the direction issued by the State Election Commission vide letter no.2144 dated 17.12.2015 is contrary to the provisions contained under Article 243-D(3) of the Constitution read with Sections 15(5), 38(1) and 65(1) of the Bihar



Panchayat Raj Act, 2006 as well as Rules 9 and 11 of the Bihar Panchayat Election Rules, 2006 which provides for reservation in favour of Scheduled Castes, Scheduled Tribes and Backward Classes and others by rotation.

5. It has been submitted by Mr. Sanjeev Nikesh, learned counsel appearing for the State Election Commission that the afore-stated letter no.2144 dated 17.12.2015 issued to all the District Magistrate-cum-District Election Officer (Panchayat) of the State of Bihar was subject matter of challenge in the Letters Patent Appeal before the Division Bench of this Court in **Shailendra Kumar Singh and Anr. vs. State of Bihar through the Chief Secretary & Ors. [2016 (3) PLJR 736]**. In the said litigation also the writ petitioner had impugned the direction of the State Election Commission whereby after reservation of posts for the Scheduled Castes and the Scheduled Tribes in descending order of their population in a particular territorial constituency, seats were reserved for backward classes in descending order of total population of remaining territorial constituencies. After discussing the issue in detail, the Division Bench in **Shailendra Kumar Singh's** case dismissed the writ petition holding the amendment made by notification dated 17.12.2015 in consonance with the Constitutional provisions and in accordance with the letter and spirit of the provisions of the Bihar Panchayat Raj Act,2006.



6. I find substance in the submissions made by the learned counsel for the State Election Commission. This case is fully covered by the ratio laid down by the Division Bench of this Court in **Shailendra Kumar Singh’s case** (supra).

7. Accordingly, the writ petition is dismissed.

**(Ashwani Kumar Singh, J)**

Md.S./-

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