

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3124 of 2016

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Saroj Devi Wife of Sri Jai Shankar Prasad Rastogi, resident of village - Choti Balia Bazar, P.O. Lakhminia, P.S. -Balia, 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 Balia, Sub - division cum Returning Officer, Balia Nagar Panchayat
6. The Circle Officer, Balia Anchal, Balia, Begusarai
7. Arun Kumar Mahto Son of Satya Narayan Mahto, Ward Commissioner from Ward No. 9, Balia Nagar Panchayat resident of Upar Tola, Balia Bazar, P.O. Lakhminia, P.S. Balia, District - Begusarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayan Singh, Advocate
Ms. Usha Kumari, Advocate

For the Respondent/s : Mr. Ramadhar Singh, GP-25

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 19-06-2018

Heard the parties.

2. This writ petition has been filed by the petitioner



challenging the action on the part of respondent no.5 LRDC Balia, Sub-division-cum-Returning Officer, Balia Nagar Panchayat whereby he has rejected the nomination 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	30.06.2018
Transmission Date	NA

