

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1425 of 2013

IN

Civil Writ Jurisdiction Case No. 22991 of 2012

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Urmila Devi Wife Of Gauri Shankar Lal Ward Councilor Of Ward No.- 28,
Municipal Corporation, Arrah, Resident Of Mohalla- Raija, P.O.- Arrah Chowk,
Arrah, P.S.- Arrah Town, District- Bhojpur

.... Appellant/s

Versus

1. The State Of Bihar Through The District Magistrate, Bhojpur
2. The Election Commissioner, State Election Commission, Patna Sone Bhawan,
3rd Floor, Virchand Patel Path, Patna-1
3. The District Magistrate Cum District Election Officer (Municipality), Bhojpur
4. Mithilesh Kumar Singh Son Of Late Radha Prasad Singh Resident Of Mohalla-
Rauja, P.O.- Chowk, Arrah, P.S.- Arrah Town, Ward No.- 28, Municipal
Corporation, Arrah, District- Bhojpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pankaj Kumar Sinha, Adv.

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

For the State : Mr. Kalpana, A.C. to G.A.-8

For Respondent No. 4 : Dr. Mayanand Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 24-01-2018

Heard learned counsel for the appellant, learned counsel
for the State Election Commission, learned counsel for the State and
learned counsel for the respondent no. 4.

Despite the declaration and finding which has been given



by the State Election Commission with regard to the 5th child having been born to the present appellant after the cut off date dated 05.04.2008 will be a finding limited for the purposes of adjudication under Section 18 (1) (m) of the Bihar Municipal Act, 2007.

However, since this finding disqualifies the appellant life long from contesting election by virtue of having more than two children after the cut off date, she is free to get declaration from the Civil Court of competent jurisdiction as to whether 5th child was born after the cut off date or not.

The outcome of such declaration as to the date of birth of 5th child of the appellant will decide her future disqualification.

The appeal stands disposed of in terms of above liberty.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/-Arjun

AFR/NAFR	NAFR
CAV DATE	NA
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