

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4627 of 2019

Radha Krishna Singh Son of Sri Raj Kishore Singh, Resident of Village-
Bihpur, Jamalpur, P.S.- Jamalpur, District- Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Gram Panchayat Raj, Govt. of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The S.D.O., Naugachhia, Bhagalpur.
4. The B.D.O., Bihpur, District- Bhagalpur.
5. The Chief Election Commissioner, State Election Commission, Bihar.
6. The Joint Commissioner, Election Commission, Bihar, Patna.
7. The District Election Officer cum District Panchayat Raj Officer, Bhagalpur.
8. Ashok Kumar Goswami S/o Late Dinesh Chandra Goswami, R/o Village and P.O.- Bihpur, P.S.- Bihpur, District- Bhagalpur.

... .. Respondents

Appearance :

For the Petitioner/s	:	None
For the State	:	Mr.Ashok Kumar Gupta, AC to GP-10
For the SEC	:	Mr.Amit Shrivastava, Advocate Mr.Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-11-2019 No one appears for the petitioner.

Learned counsel for the State as well as the Bihar
State Election Commission are present.

It appears from perusal of the writ application that the
petitioner is aggrieved by the order dated 21.01.2019 as
contained in Annexure '2' to the writ application by which the
Commissioner, State Election Commission, Bihar has passed an
order in exercise of his power under Section 136(2) of the Bihar



Panchayat Raj Act, 2006 (hereinafter referred to as the 'Act of 2006') and thereby directed removal of the petitioner from the post of Sarpanch of the Gram Kachhari Bihpur Jamalpur, District Bhagalpur.

On perusal of Annexure '2' it appears that the petitioner was working as 'Nyay Mitra' during the period 22.04.2015 to 31.03.2016 and during this period he had contested the election of the Gram Panchayat.

Learned counsel for the Bihar State Election Commission submits that on the post of 'Nyay Mitra' the petitioner was getting some honorarium and was not eligible to contest the election as the same has been held to be an office of profit.

In the given facts and circumstances of the case, where no one is appearing to press this writ application and prima-facie this Court does not find any reason to interfere with the impugned order, this writ application is hereby dismissed.

(Rajeev Ranjan Prasad, J)

vats/ved

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