

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10147 of 2019

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Salim @ Md. Salim Son of Abul Hasan @ Abul Hussain @ Abdul Hussain @
Abdul Hasan Resident of Village-Salapatganj Gudari Bazar, Ward No.7, P.O.-
Chapra, P.S.-Bhawan Bazar, District and Town-Saran at Chapra.

... .. Petitioners

Versus

1. The Election Commission of India through the Chief Election Commissioner
Govt. of India, New Delhi
2. The Chief Election Commissioner, Election Commission of India, Govt. of
India, New Delhi.
3. The State Election Commission through the State Election Commissioner,
Govt. of Bihar, Patna.
4. The State Election Commissioner, State Election Commission, Govt. of
Bihar, Patna.
5. The Returning Officer 20-Saran Parliamentary Constituency, Saran, District-
Saran at Chapra.
6. The Collector-Cum-District-Magistrate, District-Saran at Chapra.
7. The Observer, 20-Saran Parliamentary Constituency, Saran, Distirct Saran at
Chapra.

... .. Respondents

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Appearance :

For the Petitioner	:Mr.Nityanand Mishra,Adv
For the Election Comm of India :	Mr.Siddhartha Prasad, Adv
	Mr. Sumit Kumar, Adv
	Mr. Om Prakash Kumar, Adv
For the Resp.Nos. 3 and 4	:Mr. Amit Srivastava, Adv
	Mr. Girish Pandey, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 03-05-2019

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs as formulated by the petitioner--

*“(i) For issuance of a writ in the nature of
certiorari to quash and set aside the order
issued vide letter no. 72 dated 20.04.2019
(Annexure-7) by the Returning Officer, 20-Saran*



Parliamentary Constituency, Saran at Chapra (respondent no. 5) whereby and whereunder the respondent no. 5 has rejected the candidature of the petitioner as well as nomination paper for contesting the election of the General 17th Parliamentary Election 2019 from 20-Saran Parliamentary Constituency on the technical ground that two proposer's name mentioned in nomination paper not found correct in the light of R.O. handbook rule 6.10.1V.

(ii) For issuance of writ in the nature of mandamus for any other appropriate writ/writs, order/orders, direction/directions to the respondents concerned to treat the order issued vide letter no. 72 dated 20.04.2019 (Annexure-7) by the Returning Officer, 20-Saran Parliamentary Constituency, Saran at Chapra (respondent no. 5) to be null and void and non-existent in the eye of law and also to accept the nomination paper submitted/filed by the petitioner to be valid, genuine, and legal for contesting General 17th Parliamentary Election, 2019 from 20-Saran Parliamentary Constituency, Chapra and also to print the name of the petitioner in the Ballot Papers meant for 20-Saran Parliamentary Constituency, Chapra.

(iii) For directing/commanding the respondents concerned specially respondent no. 2 for taking suitable action against the Returning Officer, 20-Saran Parliamentary Constituency (respondent no. 5) and punish him in



accordance with law, because the respondent no. 5 has knowingly, deliberately, ill motive and in connivance with some interested persons or parties rejected the nomination paper as well as candidature of the petitioner for contesting General 17th Parliamentary Election, 2019 from 20-Saran Parliamentary Constituency, Chapra, (iv) For any relief/reliefs to which the petitioner is entitled to in accordance with law.”

3. After some arguments, learned counsel for the petitioner Mr. Nityanand Mishra, seeks permission to withdraw the writ petition with liberty to approach this Court with a duly constituted election petition at the appropriate stage.

4.Permission is accorded. The writ petition stands dismissed as withdrawn with the aforesaid liberty.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2019
Transmission Date	NA

