

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1332 of 2018

In

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
Balua Bazar, P.O. Lakhminia, P.S. Balua, District - Begusarai

... .. Appellant/s

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 Balua, Sub - Division Cum Returning Officer, Balua Nagar Panchayat.
6. The Circle officer, Balua Anchal, Balua, Begusarai.
7. Arun Kumar Mahto, Son of Satya Narayan Mahto, Ward Commissioner from Ward No. 9, Balua Nagar Panchayat, resident of Upar Tola, Balua Bazar, P.O. Lakhminia, P.S. Balua, District - Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Kanhaiya Pandey, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 09-12-2019 Heard learned counsel for the appellant and learned
counsel for the respondents.

Appellant has preferred this Letters Patent Appeal
against the judgment dated 19.06.2018 passed by a learned
Single Judge of this Court in C.W.J.C. No. 3124 of 2016, titled



as Saroj Devi Vs. The State of Bihar & Ors., whereby the writ petition filed by the petitioner stands dismissed.

The impugned order, in toto, is reproduced hereunder:-

“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.”

We find the present appeal to have become infructuous, for the entire process of election is over.

The appeal stands dismissed as having rendered infructuous.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

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