

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11445 of 2018

Khusboo Ara Daughter of Md. Qamaruzzama Aadil, Resident of Village-
Madhaili Bazar, P.O.- Madhaili, P.S.- Shankarpur, District- Madhepura,
Presently Mukhiya of Gram Panchayat Raj, Bishahariya, Block- Bhargama,
District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Law Secretary, Law Department, Government of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The State Election Commission Panchayat, Sone Bhawan Birchand Patel Path, Patna through the State
5. The State Election Commissioner, The State Election Commission Panchayat, Sone Bhawan, Birchand Patel Path, Patna.
6. The Secretary, The State Election Commission Panchayat, Sone Bhawan, Birchand Patel Path, Patna.
7. Rukshana Praveen, Daughter of Shahjahan, Resident of Village- Majrahi, P.O.- Bir Nagar, P.S.- Bhargama, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Adv.
For the SEC	:	Mr. Amit Shrivastava, Adv.
		Mr. Sanjeev Nikesh, Adv.
For the Pvt. Resp.	:	Mr. Navjot Yesu, Adv.
For the Respondent/s	:	Mr. Lalit Kishore -AG

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 22-10-2019

Heard learned counsel for the parties.



The issue of power in jurisdiction of the Election Commission has been deliberated and delineated in LPA No. 566 of 2017 (Rajani Kumari Vs. The State Election Commission & Ors.) and other analogous cases.

The present petitioner has approached this Court only on filing of the application before the Election Commission challenging the status of caste which she has declared for election as Mukhia.

The challenge in this writ application has been made with respect to jurisdiction of the Election Commission. As the jurisdiction of the Election Commission was under consideration before this Court, now the issue has finally been settled.

Accordingly, the matter is again remanded back to the Election Commission to decide the issue involved in the present case in terms of the judgment and order passed in the case of Rajani Kumari (supra).

Let the parties should present themselves on 18.11.2019 at 4 PM and the Election Commission will decide the issue within a period of 45 days from the date of first appearance.

The petitioner will be at liberty to raise all the points including the jurisdiction of Election Commission and, in turn, the



Election Commission will be obliged to decide all the issues raised by the parties in terms of the order of the Full Bench.

With the aforementioned observation, this writ application is disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2019
Transmission Date	

