

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.814 of 2018

In

Civil Writ Jurisdiction Case No.15698 of 2016

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Rina Devi Wife of Sri Ramji Singh Resident of Village and P.O. Teri, PS
Mehandia District Arwal, Presently Mukhiya of Gram Panchayat Raj, Teri,
Block - Kaler District Arwal.

... .. Appellant/s

Versus

1. The State Election Commission Panchayat, Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner
2. The State Election Commissioner, The State Election Commission Panchayat, Sone Bhawan, Birchand Patel Path, Patna
3. The Secretary, The State Election Commission Panchayat, Sone Bhawan, Birchand Patel Path, Patna
4. The Deputy Secretary, The State Election Commission Panchayat, Sone Bhawan, Birchand Patel Path, P
5. Ram Ayodhya Singh Son of Sri Shyam Jeevan Singh Resident of Village and P.O. Teri, PS. Mehandia, District Arwal.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anita Kumari

For the Respondent/s : Mr. Amit Shrivastava

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-11-2019



Heard Shri S. B. K. Manglam, learned counsel for the petitioner and Shri Amit Srivastava, learned counsel for the State Election Commission.

The petition had been entertained and a Division Bench of this Court had issued notices keeping in view the fact that the issue raised with regard to the authority and jurisdiction of the Commission to decide any such disputes was being examined by a Full Bench of this Court. The order dated 22.06.2018 is extracted hereinbelow:

"Considering the fact that the issue with regard to the power to be exercised by the State Election Commission u/S 136(ii) of the Gram Panchayat Act is pending consideration before the Full Bench, we direct that the proceedings pending before the State Election Commission on remand made by the impugned order shall be kept in abeyance till the decision is not taken by the Bench.

We are informed that the matter before the Full Bench is listed on 11th of July, 2018. Therefore, we are constrained to pass the interim order.



In the meanwhile, taking note of the fact that the impugned order passed by the State Election Commission on 15.12.2016 has been quashed by the learned writ court for various reasons indicated in the order, the position as was existing prior to the passing of the said order dated 15.12.2016 shall be restored during the pendency of the matter before this court and the State Election Commission. However, restoration of the same would be subject to final decision of the matter before the Full Bench.

Issue notice to the respondent No. 5 on the memorandum of appeal and on I. A. No. 4350 of 2018 both under registered cover with A/D and by ordinary process, on requisites etc. within two weeks, returnable in four weeks."

Since the Full Bench decision has been delivered in the case Rajani Kumari Versus The State Election Commission & Ors. (L.P.A. No. 566 of 2017 and other analogous cases) decided on 17.09.2019, the judgement of the learned Single Judge will, therefore, have to be followed by the State Election Commission subject to the law laid down by the Full Bench in the case referred hereinabove.



The State Election Commission will, therefore, now proceed with the matter in accordance with the law laid down by the Full Bench in the case of Rajani Kumari (supra).

The appeal stands disposed off accordingly.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

skm/Krishna

AFR/NAFR	N.A.F.R.
CAV DATE	
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