

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23269 of 2019

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Archana Devi, W/o Gopal Singh Resident of Village- Jakhaur, Lakhisarai,
Sadaibigha, P.S.- Birupur, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar, Patna.
2. The Additional Chief Secretary cum Principal Secretary, Department of Cooperative, Bihar, Patna.
3. The District Election Officer cum District Magistrate, Lakhisarai.
4. The Nodal Officer P.A.C.S. cum D.D.C., Lakhisarai.
5. The B.D.O. Barahiya, Lakhisarai.
6. The Block Extension Officer Barahiya, Lakhisarai.
7. The Registrar, Co-operative Society, Bihar, Patna.
8. The Deputy Registrar, Co-operative Society, Bihar, Patna.
9. The District Co-operative Office, at Lakhisarai.
10. The Assistant Registrar, Co-operative Society, Lakhisarai.
11. Bihar State Election Authority, Patna through its Joint Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar with Mr. Raj Narayan Mishra, Advocates
For the State	:	Mr. Uday Shankar Saran Singh, GP 19
For the Election Authority	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-11-2019

Heard learned counsel for the petitioner; learned GP 19
for the State and learned counsel for the Bihar State Election
Authority.

2. The petitioner has moved the Court for the following
reliefs:



*“ That the present writ petition is being filed for issuance of appropriate writ/writs, order/orders, direction/directions to the Respondents to pass appropriate order according with law as per rule of Bihar State Election Commission which has not been followed by the Authority Concerned made a fresh list by District Co-operative Officer without signature of President of P.A.C.S. on 22.10.2019, **“it’s crystal clear from the letter dated 09.10.2019 vide Letter No. 1574,6(1), the signature of President is required each and every Page in the list”** from Serial 1902 to 2198, it is illegal and bad in the eye of law and it is fit to be set aside because the said list has been prepared by District Co-operative Officer after submission of final list on 21.10.2019, After submission of Final list under the signature of President of P.A.C.S. and District Co-operative Officer, Lakhisarai, The date of Nomination has been fixed on 28.11.2019 and last date of Nomination is 30.11.2019.”*

as per the above fact Your Lordship may pass appropriate order and direction may be given to the Authority concerned to take appropriate steps and during the pendency of present writ petition the list dated 22.10.2019 may stay.”

3. Learned counsel for the State brought to the notice of the Court order dated 18.11.2019 passed in CWJC No. 22149 of 2019 by which a Division Bench of this Court has refused to entertain similar plea by Gajendra Singh (petitioner of the aforesaid writ petition). The writ petition was disposed off giving liberty to the petitioner to raise all issues before the concerned authorities, in accordance with law. The Division Bench has also



relied upon similar order dated 10.08.2009 passed in LPA No. 1028 of 2009.

4. It is not in dispute that the election has been notified on 31st October, 2019.

5. Faced with the situation, learned counsel for the petitioner submitted that the matter be disposed off in terms of the liberty given by the Division Bench in CWJC No. 22149 of 2019.

6. In view thereof, the writ petition stands disposed off with liberty aforesaid.

(Ahsanuddin Amanullah, J)

Anjani/-

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