

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24009 of 2019

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Ravi Ranjan Kumar, son of Parmanand Prasad, resident of Village- Milkipar,
Ward No.-07, Gokulchak Milki, Post- Kapsiyawan, P.S.- Hilsa, District-
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Government of Bihar, 2nd Floor, Vikas Bhawan, New Secretariat, Patna- 800015.
2. The Registrar, Co-operative Society, Government of Bihar, 2nd Floor, Vikas Bhawan, New Secretariat, Patna- 800015.
3. The Deputy Registrar, Co-operative Society, Government of Bihar, 2nd Floor, Vikas Bhawan, New Secretariat, Patna- 800015.
4. Bihar State Election Authority through its Chief Election Officer, 32, Harding Road, Patna.
5. The District Magistrate, Nalanda.
6. The District Co-operative Officer, Nalanda.
7. The Assistant Registrar, Co-operative Society, Hilsa, Nalanda.
8. The Block Development Officer-cum-Election Officer, Hilsa, Nalanda.
9. The Block Co-operative Officer, Hilsa, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Talib Mustafa, Advocate Mr. Ashhar Mustafa, Advocate Mr. Md. Murad Ashraf, Advocate
For the State	:	Mr. Manoj Kr. Ambastha (SC-26)
For the Election Authority	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-12-2019 The petitioner has challenged the final voter list

of Kapsiyawan Panchayat PACS which was published on

11.11.2019 as he has only been shown as an associate

member in the aforesaid society despite his entitlement



for being co-opted as a full fledged member of the society because of his having purchased a share in the co-operative society.

A complaint regarding the aforesaid was made by the petitioner before the Block Development Officer of the concerned block who is also the returning officer in the event of the election being announced. The aforesaid objection/complaint which was filed on 06.11.2019 has not yet been disposed off.

Learned counsel appearing for the State Election Authority and the learned counsel for the State Government have stated that the Chief Election Officer has issued a directive on 09.10.2019 to all the District Magistrates, District Development Commissioners and Block Development Officers to entertain such applications as returning officers but five days prior to the nomination.

If this is the directive of the Chief Election Officer, it has to be implemented.



With the co-option of the petitioner as an associate member of the PACS, he has a right to vote.

Should he but intend to contest for any post in the elections which has now been announced, he would have a liberty to approach the returning officer, who, in his case is the Block Development Officer of the concerned block, with the aforesaid objection, seeking permission to contest the election.

Learned counsel for the petitioner however submits that the last date for filing nomination is 6th of December, 2019. In that case, the time for preferring such application referred to above is already over.

However, since the objection filed by the petitioner for his being co-opted as associate member only, which was never disposed off, this Court directs that if within 48 hours, such an objection is filed before the concerned returning officer, the same shall be entertained and a reasoned order shall be passed before the nominations are finalized.



With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

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