

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23916 of 2019

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Ramesh Kumar Son of Bajrangi Singh, Resident of Village- Rampur
Chauram, P.S.- Rampur Chauram, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Bihar, Patna.
2. The Registrar, Bihar Co-operative Societies.
3. The District Magistrate-cum-the District Election Officer, (PACS Election), Arwal.
4. The Deputy Development Commissioner-Cum-Nodal Officer (PACS Election), Arwal.
5. The Bihar State Election Authority through its Joint Secretary, Bihar, Patna.
6. The Chief Election Officer, Bihar State Election Authority Bihar, Patna.
7. The Block Development Officer, Arwal Cum Returning Officer (Co-operative Societies), Arwal.
8. Sushil Kumar, Block Development Officer, Arwal Cum Returning Officer (Co-operative Societies), Arwal.
9. Primary Agriculture Co-operative Societies, Sharuti, Arwal through its Chairman.
10. The Chairman, Primary Agriculture Co-operative Societies, Sharuti, Arwal.
11. The Magadh Central Co-operative Bank Ltd. Arwal Branch through its Branch Manager.
12. The Branch Manager, Magadh Central Co-operative Bank Ltd. Arwal Branch.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Adv.
		Mr. Satyam Shivam Sundaram, Adv.
For the State	:	Mr. (Dr.) Shobha Choubey, AC to GP-19
For the Bank	:	Mr. Sanjay Kumar, Adv.
For Election Authority	:	Mr. Mukesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-12-2019 Following are the reliefs which the petitioner is seeking:-

“I. For direction upon the



respondent Block Development Officer-cum-Returning Officer (Co-operative Societies), Arwal to add the name of the petitioner and other 245 persons in the voter list of Sharuti PACS, Arwal for ensuing PACS Election, 2019.

II. For direction upon the respondent Block Development Officer-cum-Returning Officer (Co-operative Societies), Arwal to treat the petitioner and 245 persons as valid members of Sharuti PACS, Arwal as they have already applied for being enrolled as members of the said PACS and the requisite membership fee of Rs. 1 and Rs. 10 rupees have already been deposited in the Magadh Central Co-operative Bank Ltd., Arwal Branch through challan within the cut-off date i.e. before 30.06.2019 and 16.10.2019.

III. For direction upon the Block Development Officer-cum-Returning Officer (PACS Election), Arwal to allow the petitioner to file his nomination for the post of Chairman of Sharuti PACS, Arwal in the ensuing election, 2019.

IV. For direction upon the respondent Bihar State Election Authority to get the conduct of the Returning Officer-cum-Block Development Officer, Arwal enquired and submit a report to the Hon'ble Court for taking an appropriate legal action against the Block Development Officer-cum-Returning Officer (PACS Election), Arwal.



V. To stay the election program of Sharuti PACS, Arwal which is scheduled to be held on 09.12.2019 during pendency of the writ petition.”

This is not in dispute that elections have been announced. In similar circumstance, a Division Bench of this Court has passed following order on 18.11.2019 in CWJC No. 22149 of 2019 :-

“Our attention is invited to the fact that the elections are already stand notified vide notification dated 31st of October, 2019.

If that were so, we are afraid, we cannot entertain the present petition and, therefore, dispose of the present writ petition reserving liberty to the petitioner to raise all issues before the concerned authorities in accordance with law.”

Mr. Shahi, learned Senior Counsel appearing on behalf of the petitioner has submitted that once the elections have been announced, in view of the settled legal position and the order of the Division Bench, passed in CWJC No. 22149 of 2019, as noted above, he is confining his submission to the relief No. IV as noted above.

Considering the facts and circumstances and in view of the limited prayer made on behalf of the petitioner, this writ application is disposed of with an observation that let Chief



Election Officer, Bihar State Election Authority examine the grievance of the petitioner, as noted in relief No. IV above, regarding non-inclusion of names in the voter list.

(Chakradhari Sharan Singh, J)

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