

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25163 of 2019

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Jitendra Kumar, Male aged about 40 years, Son of Sri Gita Prasad Singh,
Resident of Village- Piyarpur, Post- Bhagalpur, P.S.- Tarapur, District-
Munger, Pin Code- 813321.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Commissioner, Munger.
2. The Commissioner, Munger.
3. The District Magistrate cum District Election Officer, Munger.
4. The Sub- Divisional Officer, Munger.
5. The Bihar State Election Commission through its Chief Election Officer, Patna.
6. The Chief Election Officer, Bihar State Election Commission, Patna.
7. Ram Charitra Mandal, Male, aged about 63 years, Son of Late Babu Lal Mandal, Resident of Village- Ramdiri Durga Asthan, P.S.- Naya Ramnagar, Post- Naubagarhi, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lakmesh Marvind, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA 7
For the Election Commission	:	Mr. Amit Shrivastava and Mr. Girish Pandey, Advocates

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 17-12-2019

Heard learned counsel for the petitioner; learned GA 7
for the State and learned counsel for the State Election
Commission (hereinafter referred to as the ‘Commission’).

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

*“(i) For issuance of the direction to the
respondent concerned to reopen the Nomination
paper filed by the respondent no. 7 for contesting*



the election for membership of Zila Parishad, Munger, from its Chhetra Sankhya-2 for the period 2016-2021 and disqualify the respondent no. 7 from contesting the election on the ground of filing affidavit with blank particulars and false statements and also cancel the election result in his favour.

(ii) For issuance of appropriate writ(s), order(s), direction(s) commanding the respondents concerned to set aside the election result of the respondent no. 7 who was declared elected in the Zila Parishad election 2016-2021 from Zila Parishad Chhetra Sankhya-2 on the ground of non supply of relevant information sought for in nomination paper through an affidavit.

(iii) For issuance of appropriate writ(s), order(s), direction(s) commanding the respondents concerned to set aside the election result of the respondent no. 7, who was declared elected in the Zila Parishad election 2016-2021 from Zila Parishad Chhetra Sankhya-2 on the ground of non verification of nomination paper of the respondent no. 6 by the returning officer at the time of scrutiny of the nomination paper.

(iv) Any other relief(s).”

3. The dispute raised by the petitioner is that respondent no. 7 was elected as Member of the Zila Parishad, Munger for the period 2016-2021 but had concealed material facts relating to his family. It was submitted that the same being against the statutory provisions, the petitioner moved before the State Election Commission by filing a detailed representation on 16.08.2019, copy of which is Annexure-2 to the writ petition. It was submitted that till date no action having been taken, the illegality/fraud committed by respondent no. 7 is continuing, which is detrimental



both to the public cause as well the larger cause of democracy where people get elected even after flouting the mandatory provisions.

4. Learned counsel for the Commission submitted that the writ petition be disposed off fixing a time frame for disposal of the representation.

5. In view thereof, the writ petition stands disposed off with a direction to the respondent no. 6 to finally decide the representation filed by the petitioner, if already not done, expeditiously and latest within two months from the date of production of a copy of this order before him.

(Ahsanuddin Amanullah, J.)

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