IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17120 of 2018

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Shaliendra Kumar @ Shailendra Gadhwa,l Son of Prem Narayan Gadhwal, resident of Village- Jamunia, P.S. Sahodra, District- West Champaran.

... ... Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar
2. Union of India through the Cabinet Secretary, Govt. of India, New Delhi.
3. The Chief Election Commissioner, Election Commissioner of India, Nirvachan Sadan, New Delhi.
4. Chief Electoral Officer, 7, Sardar Patel Marg, Mangles Road, Patna, Bihar.

... ... Respondents

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Appearance :
For the Petitioner : Mr. Priyadarshi Matri Sharan, Advocate
For the Respondents : Mr. P.N. Sharma, AC to AG
For the Commission : Mr. Siddhartha Prasad, Advocate
For the Union of India : Mr. Rajesh Kr. Verma, ASG

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CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 25.08.2018 is listed for hearing for the first time today before the Court.

Heard learned counsel for the petitioner and learned counsel for the respondents.

Petitioner has prayed for the following relief:

"i) Issuance of an order, direction or writ in the nature of mandamus commanding the respondents authorities to readjust representation of schedule tribes

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in parliamentary and Assembly constituencies in the state of Bihar.

ii) Issuance of an order, direction or writ in the nature of mandamus commanding the respondents authorities for earmarking area of Parliamentary and Assembly constituencies of schedule tribe in accordance with Article 330 and 332 of the Constitution of India in the light of apex court division dated 10.01.2012 in writ petition (Civil) no. 540 of 2011.

iii) Any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case."

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

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The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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