

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5646 of 2018

Karuna Kumari Wife of Sri Amit Kumar and daughter of Sri Ram Dahin Prasad, Resident of Village- Sriram Bigha, P.O. P.S. and Block- Gurua, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Gaya, District- Gaya.
4. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Gaya, District- Gaya.
5. Smt. Laxmi Devi, Wife of Sri Mahendra Kumar and daughter of Late Manki Sao, Resident of Village- Bumer, P.O.- Jaigir Barachatti, P.S. and Block- Barachatti, District- Gaya.
6. State Election Commission Panchayat, Bihar, Patna through the Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. SBK Mangalam, Advocate
For the SEC	:	Mr. Amit Shrivastava and Mr. Girish Pandey, Advocates
For the State	:	Mr. Karandeep Kumar, AC to GP 6
For the Respondent/s	:	Mr. Dinu Kumar, Advocate Ms. Ritika Rani, Advocate Mr. Vikas Kumar Vimal, Advocate

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

ORAL JUDGMENT

Date : 18-01-2020

Heard Mr. SBK Mangalam, learned counsel for the petitioner; learned AC to GP 6 for the State; Mr. Amit Shrivastava, learned counsel along with Mr. Girish Pandey, learned counsel for the State Election Commission and Mr. Dinu Kumar, learned counsel for the respondent no. 5.



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

“(I) For a declaration that in view of the order dated 28.02.2018 passed by the State Election Commissioner, State Election Commission, Bihar, Patna in Case No. 10 of 2018, the writ petitioner is entitled to be reinstated to the post of Chairman of Gaya Zila Parishad which had fallen vacant because of the order dated 09.10.2017 passed by the Election Commissioner in Case No. 36 of 2017 and since the Respondent no. 5 has been elected to the post in a furtuous circumstances, she has to vacate the office for the writ petitioner if, the State Election Commission has reviewed/recalled its order, declaring the petitioner disqualified to hold the membership of Gaya Zila Parishad on the ground that she was not coming from the class for which the constituency was reserved.

*(II) For issuance of an appropriate writ in the nature of **MANDAMUS** , commanding and directing the Respondent Authorities to reinstate the petitioner to her position of Chairman, Gaya Zila Parishad which she was holding on 09.10.2017 when she was declared disqualified by the State Election Commission and since the State Election Commissioner has recalled its order and had reinstated the membership of the petitioner, she is entitled to be reinstated to her position which she was holding on 09.10.2017.*

(III) For issuance of any other appropriate writ/writs, order/orders, direction /directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. In view of the order of the State Election Commissioner contained in Memo No. 23 dated 06.01.2020, by which the petitioner has been restored to the post of *Adhyaksha*,



Zila Parishad, Gaya, learned counsel for the petitioner submitted that nothing remains for adjudication in the present writ application.

4. In view thereof, the same stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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