

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.183 of 2020

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Sikandar Kumar, aged about 42 years, Male, Son of Late Jagdish Mahto,
Resident of Village- Chhatauna, House No.-87, Ward No.-07, P.S.-
Samastipur Muffasil, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Bihar State Election Authority, 32 Harding Road, Patna through its Secretary.
3. The Secretary, The Bihar State Election Authority, 32 Hardinge Road, Patna.
4. The Chief Election Officer Bihar, The Bihar State Election Authority, 32 Hardinge Road, Patna.
5. The Officer on Deputation, the Bihar State Election Authority, 32 Harding Road, Patna.
6. The District Magistrate-cum-District Election Officer (Co-operative Societies), Samastipur.
7. The Deputy Development Commissioner-cum-Nodal Officer, Co-operative Societies, Samastipur.
8. The District Co-operative Officer-cum-Deputy Election Officer (Co-operative Societies), Samastipur.
9. The Block Development Officer-cum-Returning Officer (Co-operative Societies), Samastipur Block, Samastipur.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Dipak Kumar, Adv.
For the Respondents : Mr. Raj Ballabh Prasad Yadav, AAG-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 08-01-2020 The petition filed on 06.01.2020 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 reliefs:

“(i) Issuance of an appropriate declaration that it is the Returning Officer, as per the rules practice, procedure and guide lines who has to put his full signature on all the pages of the draft voter list of a PACS else the same would be a nullity in the eyes of law.

(ii) Issuance of an order, direction or writ in the nature of Certiorary quashing Memo/Letter No. 2355 dated 23.10.2019 by which a clerk of the B.D.O.-cum-Returning Officer, Samastipur has issued the covering letter of the draft voter list of the 22 PACS following within Samastipur, Block without actually issuing the draft voter list.

(iii) Issuance of an order, direction or writ in nature of Mandamus directing the respondent authorities including the State Election Authority to issue fresh program/schedule for holding election of the office bearers of the 22 PACS in the Samastipur Block from the stage of issuance of draft voter list.

(iv) Issuance of an order, direction or writ in nature of Mandamus commanding directing the returning officer to issue draft voter list of all the 22 PACS and sent the same to individual PACS, after quashing the above Memo No. 2355 dated 23.10.2019 once signed by B.D.O. and once signed by his clerk.”

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.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

Rajeev Kumar/-

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