

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5028 of 2021

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Deepak Kumar Thakur, son of Late Awadhesh Thakur Resident of village and Post office- Mathiabrit, Gram Panchayat Raj Jeetpur, Block- Chharadano, District- East Champaran at Motihari

... .. Petitioner/s

Versus

1. The State Election Commission (Panchayat) through its Secretary having its office at Sone Bhawan, Patna
2. The State Election Commissioner (Panchayat) Bihar, Patna
3. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna
4. The Principal Secretary, Department of General Administration, Government of Bihar, Patna
5. The District Magistrate-cum-District Election Officer (Panchayat), East Champaran at Motihari
6. The Block Development Officer-cum-Block Election Officer, Chhoradano, District- East Champaran at Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore (A.G)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 07-04-2021 Heard learned counsel for the parties.

Learned counsel appearing on behalf of the petitioner would submit that vide Gazette notification dated 23.08.2016 issued by the General Administration Department, Government of Bihar, the *Lohar* caste has been included under the category of Scheduled Tribes (in short ST) and the petitioner who belongs to *Lohar* caste



which caste was earlier identified in the Backward Class category has now become ST category. Hence, in view of the changed scenario of inclusion of *Lohar* caste in the ST category, the respondents should have increased the representation/seats earmarked for ST category on account of increased population of ST category.

Learned counsel for the petitioner further submits that earlier the petitioner was in the Backward Class category and contested the election but after inclusion of *Lohar* caste in ST category, the petitioner cannot contest election as the seat is earmarked for Backward Class category. Hence, the representation of the ST category in the *Panchayati raj* institution should be increased in the background of inclusion of *Lohar* caste in the ST category.

Considering the fact that there is no ban on petitioner contesting the election earmarked for ST category or unreserved category candidates, this Court is not inclined to grant any indulgence to the petitioner as



the constituency which was earlier earmarked for Backward Class category cannot be declared as constituency earmarked for S.T category.

However, if the petitioner has any grievance, he may approach the concerned respondents for consideration of his case for providing reservation in ST category on account of increase in the population of ST category and also proper representation of ST category as per the roster under the scheme of *Panchayati Raj* system. On filing such representation, the respondents shall consider the representation of the petitioner and pass appropriate orders within a maximum period of 60 days from the date of filing such representation before it.

With the aforesaid observation/direction, the writ application stands disposed off.

(Anil Kumar Upadhyay, J)

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