

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18740 of 2021

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Ajay Kumar Son of Lalan Sharma, Resident of Village - Khajurbana, P.S. -
Shakurabad, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State Election Commission through its Chief Election Commissioner, Bihar, Patna.
2. The Chief Election Commissioner, State Election Commission, Bihar, Patna.
3. The Secretary, State Election Commission, Bihar, Patna.
4. The Distt. Magistrate Cum Returning Officer, Jehanabad.
5. The Block Development Officer Cum Returning Officer, Ratani.
6. Gini Devi, Punchdev Kumar Prabhakar, R/V - Mahadipur, P.S. - Pandoul, Distt. - Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Respondent/s : Mr.Ajay (GA-5)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 30-11-2021 Following is the relief, which the petitioner is seeking
in the present writ application:-

“1. That this application is being filed for issuance of writ especially in nature of Mandamus for direction to the Respondents No.2 to consider the Complaint made by the petitioner for setting aside the Gram Panchayat Election 2021 for the post of Mukhiya of the Ratni Faridpur Gram Panchayat, on the ground of unimpeachable materials which shows that a wrong entry/counting of the vote polled made by the



employees/staffs deputed at the time of counting of votes in counting hall, and also disqualified the Returned candidate, i.e. Respondents No.6.”

In our considered opinion, this writ application filed under Article 226 of the Constitution of India seeking nature of relief as quoted above is completely misconceived.

The petitioner had remedy of filing election petition, raising election dispute before appropriate forum.

This writ application is accordingly dismissed as not maintainable.

At this juncture, learned counsel for the petitioner states that he has approached the State Election Commission for redressal of the grievance.

We do not express any opinion whether such application can be entertained by the State Election Commission or not.

The petitioner is, however, at liberty to pursue his representation before the Election Commission.

(Chakradhari Sharan Singh, J)

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(Madhuresh Prasad, J)

