

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19309 of 2021

Vineeta Devi, female, aged about 45 years, wife of Ajay Kumar resident of
Village- Kajpa, Police Station- Rafiganj, District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj
Department, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Block Development Officer-cum- Returning Officer, Rafiganj,
Aurangabad.
4. The State Election Commission, Bihar, Patna.
5. Mamta Kumari, female, aged about 20 years, wife of Shrikant Kumar Rani
resident of Village Amarpura, Police Station- Rafiganj, District-
Aurangabad.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Vindhyachal Singh, Sr. Adv. Mr. Ram Pravesh Nath Tiwari, Adv.
For the State	:	Mr. Pratik AC to GA-6.
For the State Election Commission	:	Mr. Sanjeev Nikesh, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

2 21-12-2021

Heard the parties.

2. The petitioner is seeking direction to the State



respondents to disqualify respondent No.5 to hold the post of *Mukhiya* of *Gram Panchayat*, Kajpa, in the District of Aurangabad on the ground that she had not attained the requisite age of 21 years as on the date of her election.

3. The learned senior counsel appearing on behalf of the petitioner has submitted that the said respondent No.5 has sworn a false affidavit at the time of filing of her nomination papers in respect of her age as well as educational qualification. Be that as it may, the petitioner has statutory remedy under Section 136(2) of the *Bihar Panchayat Raj Act*, 2006 (for short 'the Act'). It has been submitted that the petitioner has already approached the State Election Commission by making a representation. No such representation is, however, there on record, though it has been stated in paragraph No.16 of the writ petition that the petitioner has filed representation before the State Election Commission.

4. Be that as it may, considering the provision under Section 136(2) of the Act, this application is disposed of with a liberty to the petitioner to pursue her remedy before State Election Commission, Bihar, Patna (Respondent No. 4). Since the plea of disqualification of an elected person is being taken, the Court expects that Election Commission shall expedite



decision in this regard in accordance with law.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

shyambihari/-

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