

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4980 of 2019

In
Civil Writ Jurisdiction Case No.17653 of 2019

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Pramod Singh Weldone, son of Late Dimnani Singh, Resident of Weldone Colony, Rajoun, P.S. Rajoun, District Banka.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Home Department, New Delhi.
2. Mr. H.R. Srinivasa, Chief Election Officer, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Advocate Mr. Mritunjay Prasad Singh, Advocate
For the U.O.I.	:	Mr. Ramakant Sharma, ASG.
For Election Commission	:	Mr. Siddhartha Prasad, Advocate Mr. Sunit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

9 15-03-2021 Heard the parties.

This application has been filed for initiation of contempt proceeding against opposite party no.2 for disobeying the order of this Court dated 2.09.2019 passed in CWJC No. 17653 of 2019.

As has been stated in the show cause that the present opposite party no.2 was not made a party in the writ proceeding and, as such, the present application is not a proper application for initiation of contempt proceeding, but in paragraph 8 of the show cause, it has been stated that under the Delimitation Act, 2002, Delimitation Commission constituted by the Central



Government is the competent authority to de-reserve any assembly constituency. The Delimitation Commission has already done its exercise and the Election Commission of India has issued Delimitation of Parliamentary and Assembly Constituencies Order, 2008. It has further been stated in paragraph 9 of the show cause that in terms of Delimitation Act, 2002, reservation/de-reserving of Scheduled Castes and Scheduled Tribes constituencies cannot be changed at the level of Chief Election Officer, Bihar, Patna and, as such, the representation of the petitioner has been rejected by the Chief Electoral Officer-respondent no.2 vide order dated 08.03.2021.

In view of the statements made in the show cause, the petitioner will be at liberty to file proper representation before the Delimitation Commission. If such representation is filed, then the Delimitation Commission will look into the matter and take a decision in accordance with law.

With the aforesaid observations and directions, this application is dismissed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

V.K.Pandey/-

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