

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.944 of 2022

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Tara Devi Wife of Deman Bhuiyan Resident of Village- Jaigir, P.O. Jaigir, P.S. Barachatti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Additional Chief Secretary, Panchayat Raj Department, Government of Bihar, Patna.
4. The Chief Electoral Officer, Bihar State Election Commission, Patna.
5. The District Magistrate-cum-District Panchayat Election Officer, Gaya (Bihar).
6. The Sub Divisional Officer-cum-Sub Divisional Panchayat Election Officer, Sherghati, District- Gaya.
7. The Block Development Officer-cum-Returning Officer, Panchayat Election, Barchatti, District Gaya.
8. The Block Panchayati Raj Officer, Barachatti, District Gaya.
9. Nagina Devi Wife of Mahendra Bhuiya Resident of Village- Barwadih, P.O. Bhalua, P.S. Barachatti, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
For the Respondent/s : Mr. Satya Vrat, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 10-11-2022

Heard Mr. Birendra Kumar Singh, learned counsel for the petitioner and Mr. Satya Vrat, learned AC to GP-10 for the State.

2. The petitioner has moved the Court for the following reliefs:



“That this application has been filed for issuance of an appropriate writ in the nature of Certiorari, to set aside the election of Jaigir Panchayat dated 08.12.2021, by which the respondent 9 Nagina Devi was illegally elected for the post of Mukhya, in Jaigir Gram Panchayat, Block: Barachatti, District: Gaya.

Further, for issuance of writ of Mandamus, directing and commanding the respondents to re-election of Jaigir Panchayat in Block Barachatti, District: Gaya.

Further any other relief/reliefs to which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Though the case has been listed under the heading “For Orders (On Office Notes)”, but with consent of learned counsel for the parties, the matter has been heard and is being disposed of in the following terms.

4. Learned counsel for the petitioner submitted that he has challenged the election of Jaigir Panchayat dated 08.12.2021 by which the respondent no. 9 has been elected to the post of Mukhya in Jaigir Gram Panchayat, Block-Barachatti, in the District of Gaya but he may be permitted to assail the same before the statutory forum.

5. Learned counsel for the State does not object.

6. In view thereof, as prayed for by learned counsel for the petitioner, the petition stands disposed of with liberty to approach the statutory forum. Having regard to the fact that there is a statutory period fixed for approaching the said forum and the



petitioner had moved within the said period before this Court and the matter was pending here, the Court is inclined to observe that if such a petition is filed within one month from today, the statutory forum competent to hear the matter, shall consider the case filed by the petitioner on merits.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

kamlesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

