

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1595 of 2022

1. Munni Devi Wife of Naval Bhuiya, Resident of Village-Barandih, P.O. Bhatua, P.S. Barachatti, District-Gaya.
2. Gita Devi Wife of Umesh Paswan Resident of Village- Barandih, P.O. Bhalua, P.S. Narachatti, District-Gaya.
3. Ranju devi Wif of Sanjay Singh Bhogta, Resident of Village-Jaigir, P.O. Jaigri, P.S. Barachatti, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Chief Secreary, 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. Dev Rani Devi Wife of Vijay Kumar Manjhi (Member of Parliament, Gaya), Resident of Village- and P.O. and P.S. Barachatti, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh
For the Respondent/s : Ms. Archana Meenakshee, GP-6

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



Date : 09-11-2022

Heard Mr. Birendra Kumar Singh, learned counsel for the petitioners and Ms. Archana Meenakshee, learned GP-6 for the State.

2. The petitioners have 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 Dev Rani Devi was illegally elected for the post of Panchayat Samiti-16, in Jaigir Gram Panchayat, Block: Barachatti, District: Gaya.

Further, for issuance of writ of Mandamus, directing and commanding the respondents to re-election of Panchayat Samiti- 16 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 being disposed of in the following terms.

4. Learned counsel for the petitioners 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 Panchayat Samiti-16 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 petitioners, the petition stands disposed of with liberty to approach the statutory forum. Having regard to the fact that there may be some statutory period fixed for approaching the statutory forum and the petitioners 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 petitioners on merits.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

P. Kumar

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