

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8720 of 2021

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Mahesh Ram Son of Bijay Ram Resident of Village- Rampur Mahinath, P.S.
Pear, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Election Commissioner, Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The District Panchayati Raj Officer, Muzaffarpur.
6. The Block Development Officer, Bandra Block, District- Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Raju Kumar
For the Respondents : Mr.Lalit Kishore (Ag)

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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 10-02-2022 This matter has been taken up for hearing on-line
because of COVID-19 pandemic restrictions.

This writ application was filed on 05.04.2021 seeking a direction upon the respondents to reserve the post of Mukhiya of Pirapur Gram Panchayat in the district of Muzaffarpur for candidates belonging to SC/OBC category.

It is the petitioner's case that right from 2001 till the last elections, the post of Mukhiya of the Gram Panchayat has not been reserved by the authorities, in breach of the provisions



under Section 15(4) of the Bihar Panchayat Raj Act, 2006.

This is an undisputed fact that panchayat general elections have already taken place. In such view of the matter, no interference is required, at this stage. The Court is of the opinion that the petitioner has approached this Court under a wrong notion that because the population of panchayat is dominated by the members belonging to SC/OBC category, the post of Mukhiya deserves to be reserved. Chapter-III of Bihar Panchayat Election Rules, 2006, lays down the procedure for determination of number of seats for reservation of constituencies and procedure for calculation of number of posts for the purpose of reservation.

In our opinion, the petitioner has not been able to make out a case for this Court's interference, at this stage, to consider the relief as sought in the writ application.

This application is dismissed accordingly.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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