

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16581 of 2021

=====

Deepak Kumar Thakur, Son of Late Awadhesh Thakur, Resident of Village and Post Office-Mathiabrit, Gram Panchayat Raj Jeetpur, Block- Chhoradano, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State Election Commission (Panchayat) through its Secretary having its office at Sone Bhawan, Patna.
2. The State Election Commissioner (Panchayat), Bihar, Patna.
3. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
4. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
5. The District Magistrate-cum-District Election Officer (Panchayat), East Champaran at Motihari.
6. The Block Development Officer-cum-Block Election Officer, Chhoradano, District-East Champaran at Motihari.

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr.Arun Kumar, Advocate
For the State	:	Smt. Archana Meenakshee, G.P.-6
For the State Election Commission	:	Mr.Girish Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 25-04-2022 Mr. Arun Kumar, learned counsel appearing on behalf of the petitioner has submitted that the grievances raised in the present writ application have lost their significance in view of the Supreme Court decision in the case of ***Sunil Kumar Rai & Ors. Vs. State of Bihar & Ors.***, reported in ***2022(2) BLJ 208(SC)***, whereby the State Government Notification No.689 of



2016 dated 23.08.2016 has been quashed.

Paragraph 31 of the said decision of the Supreme Court reads as under:

“31. Resultantly, we allow the writ petition. We quash the impugned Notification. We may notice that in the impugned Notification, the direction is to give certificate to ‘Lohara’, (‘Lohar’) community. While ‘Lohara’ is a member of the Scheduled Tribe, ‘Lohar’ is not. Therefore, while we have quashed the notification, it must not be understood as meaning that ‘Lohara’ which is already included in the category of Scheduled Tribe is to be affected by this Judgment. We clarify that the quashing of the impugned Notification will be qua ‘Lohar’ community and the Lohara will continue to get the benefit vouchsafed for them under the Presidential Order as amended by the Acts. We direct that the respondent No.1 shall pay costs in the sum of Rs.5,00,000/- (Rupees Five Lakhs) which shall be done within a period of one month from today and the respondent shall produce proof of the payment of the costs by production of the receipt of the same within a period of six



weeks from today. As regards the cases against the petitioners, it is for the petitioners to work out the remedies in the appropriate Forum and necessarily, the Courts will take note of the pronouncement which we have made today.”

In such view of the matter, this writ application stands disposed of.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

PNM

U			
---	--	--	--

