

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16770 of 2021

Usha Kaushik wife of Sri Kaushal Kaushik, resident of Village-Nisarpura, P.O. Amarpura, P.S. Naubatpur, District-Patna, presently Ward Councilor of Ward No. 11 of Naubatpur Nagar Panchayat, P.O. and P.S. Naubatpur, District-Patna.

... .. Petitioner/s

Versus

1. The State Election Commission (Municipality) Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
2. The State Election Commissioner, The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
3. The Secretary, The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam, Advocate Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. Amit Shrivastava, Sr. Advocate Mr. Girish Pandey, Advocate Mr. Sanjeev Nikesh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 09-02-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

It is the petitioner's grievance that her application filed under Section 18(2) of Bihar Municipal Act, 2007 to declare some of the elected representatives disqualified has not yet been decided, despite the fact that the matter was heard finally on 07.04.2021 by the State Election Commission (Commission for short) and till date judgment in the case has



not been delivered by the Commission.

Mr. Sanjeev Nikesh, learned counsel appearing on behalf of the Commission informs this Court that because of pandemic situation and other attending circumstances the judgment in the said case could not be delivered and since the hearing was held long back, the matter requires to be reheard. He has relied on a communication sent to him by the Commission fixing 15.02.2022 as the next date for rehearing the matter. He further submits that final decision shall be taken in the said case within two weeks from today.

Considering the facts and circumstances and the submission made on behalf of the Commission, this writ application is disposed of with an observation that the petitioner shall be at liberty to appear before the Commission on 15.02.2022. If the petitioner does so, the concerned respondent shall ensure that rehearing takes place on the said date and final order is passed within two weeks from today.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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