

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2298 of 2021

1. Mahendra Rishideo Son of Bodi Rishideo Resident of Village- Maura Jarkaha, P.S.- Shankarpur, District- Madhepura.
2. Sanjay Rishideo Son of Gajendra Rishideo Resident of Ward No.3, Gopalpur, P.S.- Kumarkhand, District- Madhepura.
3. Pramod Kumar Yadav Son of Shivnandan Yadav Resident of Ward No.3, Village- Gadhiya, Garhia, P.S.- Kumarkhand, District- Madhepura.
4. Ashok Kumar Mehta Son of Kamleshwari Mehta Resident of Village- Rauta, Ward No.12, P.S.- Kumarkhand, District- Madhepura.
5. Bhola Sharma Son of Jagdish Sharma Resident of Village- Gopalpur, Ward No.3, P.S.- Kumarkhand, District- Madhepura.
6. Naresh Kumar Son of Late Fuleshwar Shah Resident of Village- Parmanandpur, Ward No.8, P.S.- Shri Nagar Kumarkhand, District- Madhepura.
7. Agam Lal Rishideo Son of Soti Rishideo Resident of Village- Bariyahi, Rampur Lahi, Ward No.12, P.S.- Shankarpur, Bariyahi, District- Madhepura.
8. Yadu Nandan Yadav Son of Saryug Yadav Resident of Ward No.3, Gopalpur, P.S.- Kumarkhand, District- Madhepura.
9. Binod Kumar Son of Biranchi Sharma Resident of Ward No.6 Haribola, P.S.- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, Govt. of India, Shastri Bhawan, New Delhi.
2. The Election Commission of India through the Chief Election Commissioner, Nirwachan Sadan, Ashok Path, New Delhi- 110001.
3. The Chief Election Commissioner, Election Commission of India, Nirwachan Sadan, Ashok Path, New Delhi- 110001.
4. The State of Bihar through the Principal Secretary, General Administration Department, Patna.
5. The Principal Secretary, General Administration Department, Bihar, Patna.
6. The District Magistrate, Madhepura.
7. The Sub Divisional Officer, Madhepura.
8. The Circle Officer, Block- Shankarpur, District- Madhepura.
9. The District Magistrate-cum-Chief Election Officer, Madhepura.
10. The Returning Officer, 72, Singheshwar (Reserve), Bihar Legislative Assembly Constituency, Madhepura.
11. Chandrahash Chaupal Son of Baldev Chaupal Resident of Village- Raybhir, P.S.- Shankarpur, District- Madhepura, Returned Candidate, 72, Singheshwar (Reserve), Bihar Legislative Assembly Constituency, District-



Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Respondent/s : Mr.Dr.K.N.Singh (Asg)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 27-01-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

- 1) To hold that the Respondent No. 11 was/is not a member of Scheduled caste and, therefore, he was not eligible and qualified to contest the Bihar Legislative Assembly Election, 2020 from 72, Singheshwar (Reserve for Scheduled Caste), Legislative Assembly Constituency, District-Madhepura.
- 2) To hold that the Respondent No. 11, is not fit to hold the public office as he is usurper.
- 3) For quashing the caste certificate bearing no TC/20/00171 dated 21.08.2020 issued under the signature the respondent District Magistrate, Madhepura whereby and where under the respondent no. 11 has been declared as member of Chaupal Community and therefore, he belongs to Scheduled caste.
- 4) For any other relief/reliefs to which the petitioners may be entitled to.

3. Undisputedly, 11th Respondent – Chandrahash Chaupal has been provided scheduled caste certificate by the concerned District Magistrate and he has contested for the Bihar Legislative Assembly Election, 2020 from 72, Singheshwar (Reserve for Scheduled Caste), Legislative Assembly Constituency, District –



Madhepura. As long as scheduled caste certificate issued by the District Magistrate is not nullified/cancelled, the petitioners cannot seek a direction for a declaration of his election or participating in the process of election to a Reserve for Scheduled Caste constituency cannot be interfered.

4. Accordingly, the present petition stands dismissed, reserving liberty to the petitioners to approach competent authority in getting cancellation of caste certificate bearing No. TC/20/00171, dated 21.08.2020 issued by the District Magistrate, Madhepura.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2022
Transmission Date	

