

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19985 of 2021

Divakar Jha, Son of Late Ganesh Jha, Resident of Village-Chetan Tola,
Khutaha, Ward No.-4, P.S.-Barhiya, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Principal Secretary, Rural Development Department, Bihar, Patna.
4. The State Election Commission, through Chief Electoral Officer, Sardar Patel Marg, Mangles Road, Patna-15, (Bihar).
5. The Joint Secretary, the State Election Commission, Bihar, Patna.
6. The Joint C.E.O. (Public Grievance Redressal Officer), the State Election Commission, Bihar, Patna.
7. The Deputy Election Officer, Bihar, Patna.
8. The District Magistrate-cum-District Election Officer, Lakhisarai.
9. The District Panchayat Raj Officer, Lakhisarai.
10. The S.D.O., Lakhisarai.
11. The Circle Officer, Lakhisarai.
12. The B.D.O.-cum-Election Officer, Barhiya, District-Lakhisarai.
13. Smt. Usha Devi, daughter of Katiman Mahto, Resident of Village-Koriya, P.O.-Damodarpur, P.S. and Block-Lakhisarai, District-Lakhisarai, presently wife of Raj Kumar Mahto, resident of Village-Lal Diyara, P.S.-Barhiya, District-Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate
For the Respondent/s : Mr.P. K. Verma, AAG-3

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)



2 07-01-2022

Petitioner has prayed for the following relief(s);

“That this Public Interest Litigation application is directed for issuance of an appropriate writ in the nature of Mandamus commanding the responsible respondents to take suitable legal action against respondent no. 11 & 12 who deliberately beyond law cooperated private respondent no. 13 to contest Panchayat Election for the post of Panchayat Samiti of Part No.13, Panchayat-Khutaha, East, Barhiya, Lakhisarai as the post of Panchayat Samiti, Part-13 under Barhiya Block is reserved for E.B.C. Annexure-1 ladies, but when respondent no. 13 being the member of O.B.C. (Annexure-2) by caste Kurmi submitted her nomination form with Caste Certificate of Kurmi issued by the Circle Officer, Lakhisarai (respondent no.11) then the nomination form was not accepted on 28.10.2021 by the Block Development Officer, Barhiya-cum-Election Officer(Respondent No.12) and nomination form was uploaded at the Website of State Election Commission, Bihar, Patna, and again the respondent no. 11 under political pressure or by official influence issued another caste certificate of respondent no. 13 of Dhanuk and declared her the member of E.B.C.(Annexure-1) on 31.10.2021 (Sunday) on that day the office was closed, whereas, the Respondent No. 13 is by Caste Kurmi and her nomination form cannot be accepted, but the Respondent No. 12 after expiry of period of nomination which is upto 29.10.2021, the respondent no. 12 inserted the new Caste Certificate of Respondent No.13 into the nomination paper and deleted earlier caste certificate from the nomination form from the Website of Election Commission and also the nomination form of the Respondent No.13 to contest the election which is apparently violation of Reservation Policy of the Panchayat Election and where the respondent no. 13 was not eligible to contest the election for the post of Reserve Category of E.B.C. (Annexure 1), but the Respondent Nos. 11 & 12 under fraudulent act made the Respondent No.13 the member of EBC. which is completely illegal, improper and requires enquiry and suitable



legal action against respondent Nos. 11 to 13.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner may be permitted to withdraw the present petition, reserving liberty to take recourse to such other remedies as are available in accordance with the provisions of Bihar Panchayat Raj Act and approach the authority concerned for redressal of the grievances.

Prayer allowed.

The present application is, accordingly, disposed of as withdrawn with the liberty aforesaid.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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