

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21405 of 2021

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Rajesh Ranjan, Son of Kameshwar Prasad Singh, Rajendra Nagar, Road,
No.10A P.S.-Kadamkuan, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The Chief Election Officer, Bihar, Patna.
4. The District Election Officer-Cum District Magistrate, Vaishali.
5. The Returning Officer-Cum B.D.O. Block-Mahua, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Advocate
For the Respondent/s : Mr. Ajay, G.A.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 11-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(i). For the issuance of an appropriate writ, order, direction to answering respondents to hold an enquiry and to fix the responsibility upon erring officers for their misdeeds in the matter of the fact, that there are several under age voters of polling booth No. 150, Ward No. 3 of Prathamik Vidyalaya, Phulwaria Dalit Basti in Gram Panchayat Raj Phulwaria under Block- Mahua, District- Vaishali, out of which approx 50-60 voters of underage, who has been polled the vote in Booth No. 150 and about 50-75 voters who are dead but those have been sown polled by Presiding Officers and 45-50 voters had not reside in the booth no. 150 of Prathamik Vidyalaya, Phulwaria Dalit Basti in Gram Panchayat Raj Phulwaria under Block- Mahua, District – Vaishali, the Presiding officer deployed for

conducting fair and impartial polling, which destroy the basic thread of voting pious right of citizen and accordingly answering respondents be directed to hold further repolling at Booth No. 150 of Prathamik Vidyalaya, Phulwariya, Dalit Basti at Gram Panchayat Raj Phulwariya under Block-Mahua, District- Vaishali.

(ii). For further direction to respondents to stay the Oath Ceremony of Elected candidate for who have been declared elected on the basis of said casted proxy votes particularly to the post of Mukhiya namely Sukeshwar Das and Rajendra Rai for Ward No. 5 of Gram Panchayat Raj Phulwariya which is schedule to be held after 15.12.2021.

(iii). For any other relief and reliefs for which the petitioner is found entitled to in the fact of the circumstances of the case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned, respondent no.3, The Chief Election Officer, Bihar, Patna. or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following

terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) Liberty also reserved to the petitioner to make a

mention for listing of the petition on priority basis. As and when any such mention is made, Registry shall take steps for listing the petition at the earliest.

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA