

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.397 of 2023

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Indra Deo Ray Son of Late Ghutar Yadav, Resident of Village - Dhoi Navtoli,
P.O.- Dhoi, P.S. Sadar Darbhanga, District - Darbhanga, Pin - 846009.

... .. Petitioner/s

Versus

1. The Bihar Secondary Teachers Association through its Secretary at Jamal Road, Patna - 800001, P.S. Kotwali, District - Patna.
2. The Chief Election Commissioner (Dr. Mahamaya Prasad Vinod), Bihar Secondary Teachers Association, Patna at Jamal Road, P.O. - G.P.O., Patna - 800001, District - Patna.
3. The Divisional Assistant Election Commissioner, Darbhanga Division Secondary Teachers Association at Laheriasarai - 846001, P.S. - Laheriasarai, District - Darbhanga.
4. Rakesh Paswan @ Rakesh Prasad, Son of Jibachh Paswan, M.O., Allal Patti, Opposite Paras Hospital, Pin - 846003, P.O. - P.M.C., P.S. - Laheriasarai, District - Darbhanga, Official Address Plus 2 Karpuri Thakur Rajkiya Balika High School, Laheriasarai, Darbhanga, Near B.M.P. - 13, Opposite Kosi Project, P.O. - Milkichak, Pin - 846009, District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-08-2023

Heard Mr. Uma Shankar Singh, learned counsel for
the petitioner.

2. The petitioner being a teacher and a member of
the Bihar Secondary Teachers Association, filed the present
writ application seeking a direction to hold the election of the
post of President for the Bihar Secondary Teachers
Association at Pramandal-Darbhangha, District- Darbhanga, as
illegal and void.



3. It is submitted that the Bihar Secondary Teachers Association, is a registered unit under Societies Registration Act-XXI of 1860 (No.3111940141), having its office at Jamal Road, Patna 800001 and having its unit in the entire State of Bihar at Divisional level and also on Block level. He also submits that the Bihar Secondary Teachers Association has its Rajya Nirvachan Ayog, situated and exercising powers of Election at the Head Office known as Rajya Nirvachan Ayog, Bihar Secondary Teachers Association.

4. Mr. Singh, further submits that having been found eligible, petitioner filled up his nomination for the post of District President and fought the election, and finally the respondent no.4 has been declared successful. He next submits that so far as the respondent no.4 is concerned, his name is shown as Rakesh Prasad at Sl. No.57 in the Prakhanda voter list of Secondary Teacher, whereas in the voter list of District of Darbhanga his name is shown as Rakesh Paswan at Sl. No.71 and he has been working as a teacher of +2 School, Karpuri Thakur Rajkiya Balika Uchcha Vidyalaya, in the name of Rakesh Prasad.

5. On the aforesaid facts, he vehemently submitted that respondent no.4 is holding a post in fake name, which is



in any view of the matter is not sustainable in the eyes of law and such discrepancies in the name of the petitioner is material enough which would make the election void.

6. This Court afraid of the submissions made on behalf of the petitioner, as to how the present writ application is maintainable as the election under challenge relates to the Bihar Secondary Teachers Association, which, in no stretch of imagination comes under the definition of the State.

7. It is a trite law that when a private body exercises its public functions, even if it is not a State, the aggrieved person has a remedy not only under the ordinary law but also under the constitution, by way of a writ petition, but the facts of the case is completely otherwise.

8. In view thereof, the present application stands dismissed as not maintainable.

(Harish Kumar, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2023.
Transmission Date	NA

