

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14148 of 2022

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Sajee Ahmad Son of Late Shafi Ahmad, Resident of Ward No. 11 Village-Mehsaul, P.S.- Runi Saidpur, District- Sitamarhi, at present Mukhiya of Gram Panchayat Raj Gangwara Buzurg, P.S.- Runi Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati, Raj Department Govt. of Bihar, Patna.
2. The State Election Commission (Panchayati), Sone Bhawan Birchand Patel Path, Patna through its Secretary.
3. The State Election Commission (Panchayati), Sone Bhawan Birchand Patel Path, Patna.
4. The District Election Officer, (Panchayati) cum-District Magistrate, Sitamarhi.
5. The Returning Officer- cum Block Development Officer, Panchayati Election 2021, Runi Saidpur Block, District- Sitamarhi.
6. Amarnath Kumar Son of Dev Narayan Sahu @ Dev Narayan Sah, Resident of Ward No. 7, Village Mehraul, P.S.- Runi Saidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Md. Anisur Rahman, Advocate.
For the Respondent/s	:	Mr. Prabhat Ranjan, AC to GP-6.
For the SEC	:	Mr. Sanjeev Nikesh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-08-2023

Heard Mr. Md. Anisur Rahman, learned counsel
for the petitioner, Mr. Sanjeev Nikesh, learned counsel for the
respondent State Election Commission and Mr. Prabhat
Ranjan, learned AC to GP-6 for the State.

2. The petitioner by invoking the extraordinary writ
jurisdiction of this Court under Article 226 of the Constitution



of India is seeking a direction upon the respondent authorities to take appropriate penal action against the respondent no.5 for tampering in the EVM of Both No.213 'Ka' of the Gram Panchayat Election, 2021 of the Gram Panchayat Election of Gangwara Buzurg P.S. Runi Saidpur, District Sitamarhi. He also prays for removal of the respondent no.6 from his post of Technical Assistant in Nanpur Block, District Sitamarhi for the wrong done by him as stated herein above.

3. It is submitted that under the election in question, one Dev Narayan Sahu @ Dev Narayan Sah, who happens to be the father of the respondent no.6 was a candidate for the post of Mukhiya of the Gram Gangwara, Gram Panchayat Raj Election, 2021, wherein the respondent no.6 was posted as a Technical Assistant and deployed on election duty for receiving the Election Voting Machine. On account of his misconduct when the matter has been brought to the knowledge of the Authorities concerned, the re-polling of the affected booth was done, however, despite representation being filed before the Block Returning Officer-cum-Block Development Officer, Runi Saidpur, till date no action has been taken against the erring respondent no.6. He next submits that the aforesaid representation is pending before the



Block Returning Officer-cum-Block Development Officer, Runi Saidpur since 27.01.2022, but till date the same has not been taken to its logical conclusion.

4. A counter affidavit has been filed on behalf of the respondent nos. 4 and 5 and with reference to the statement made in paragraph 11 thereof, submission has been made that as per report submitted by the BHEL Engineer there was a technical defect in the CU (H63448) and on such report of the BHEL Engineer, the Returning Officer (Panchayat)-cum-block Development Officer, Runi Saidpur submitted a report vide Memo No.Camp01/SIT, dated 14.12.2021 in form 'kh' with necessary recommendation. The report was forwarded to the Secretary, State Election Commission, Bihar Patna by the District Election Officer (Panchayat)-cum- District Magistrate, Sitamarhi and on such report re-polling was allowed and thus the grievance of the petitioner has redressed.

5. Considering the submissions and the nature of the grievance, the respondent no.5 is directed to consider the representation of the petitioner as contained in Annexure-1 and dispose of the same by a reasoned and speaking order preferably within a period of twelve weeks for the date of receipt/production of a copy of this order.



6. Accordingly, the present writ application stands disposed of with the aforesaid direction.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2023.
Transmission Date	NA

