

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2137 of 2024

M/S MKS Enterprises through the Proprietor namely Manoj Kumar Singh,
Male, aged about- 52 years, son of Late Ashok Kumar Singh, Resident of
Ramnika Enclave, Behind Rama Shyama Apartment, P.O.-Danapur Cantt.
P.S.-Rupaspur, Gola Road, Danapur, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar Through the District Election Officer-cum- District Magistrate, Vaishali.
2. The Chief Electoral Officer, Election Department, Government of Bihar, Patna.
3. The Joint Chief Electoral Officer, Election Department, Government of Bihar, Patna.
4. The Deputy Election Officer, Vaishali, Hajipur.
5. The Electoral Registration Officer, 127-Rajapakar (sc), Vidhan Sabha Nirwachan Kshetra-cum-Deputy Collector Land Reforms, Mahnar, Vaishali, Hajipur.
6. The Assistant Electoral Registration Officer, 127-Rajapakar (sc), Vidhan Sabha NirwachanKshetra-cum-Block Development Officer, Rajapakar, Vaishali, Hajipur.
7. Vaibhav Vishal, husband of Puja Kumari, Resident of House No. 24, Village-Chakchuhar, P.O.-Sehan, P.S.-Garaul, District-Vaishali.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Senior Advocate
	:	Mr. Amish Kumar, Advocate
For the State	:	Mr. S.K. Mandal, SC-3
	:	Ms. Neelam Kumari, AC to SC-3
For CEO	:	Mr. Siddhartha Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 09-12-2024

1. The present writ petition has been filed for



quashing the office order dated 09.05.2022, issued by the Electoral Registration Officer, 127-Rajapakar (SC), Vidhan Sabha Nirwahan Kshetra-cum-Deputy Collector Land Reforms, Mahnar, Vaishali, Hajipur, whereby and whereunder, it has been communicated to the Deputy Election Officer, Vaishali, Hajipur, i.e. the respondent no.4, that upon enquiry made upon the complaint filed by one Vaibhav Vishal, with regard to wrong entry having being made pertaining to the details of his wife, namely Puja Kumari, in Election Photo Identity Card (EPIC) bearing EPIC No. REP2219962, appertaining to 127-Rajapakar (SC), Vidhan Sabha Nirwahan Kshetra, Part 34, Serial No.1284, House No.24, Village-Chakchuhar, P.O.-Sehan, P.S.-Garaul, District-Vaishali, it has been found that the petitioner and other government officials are responsible for making such wrong entry. The petitioner has also prayed for quashing of the show cause notice dated 02.05.2022, issued by the respondent no.4, however has in the alternative prayed that the respondent no.4 be directed to consider its reply filed on 05.05.2022 and pass a reasoned and a speaking order, in accordance with law.

2. Shorn of the details, it would be suffice to state that the petitioner entered into an agreement on 08.12.2020 with the



District Election Officer-cum-District Magistrate, Vaishali for preparation of photo electoral rolls and photo identity card for the assembly constituencies in question, in accordance with the guidelines prescribed by the Election Commission of India, whereafter it had conducted the work of preparation of photo electoral roll and photo identity card for various assembly constituencies of the District-Hazipur, however, during the course thereof one complaint was filed by the private respondent no.7, alleging therein that wrong entry has been made in the election photo identity card of his wife, namely, Puja Kumari, whereafter enquiry was made and the respondent no.5 had submitted his enquiry report dated 09.05.2022 *prima facie*, finding the petitioner and other government officials to have committed mistake. However, during the interregnum period, the respondent no.4 had already issued notice dated 02.05.2022, to which the petitioner had also filed a detailed reply dated 05.05.2022.

3. The learned senior counsel for the petitioner has, at the outset, submitted that existence of the so-called enquiry report dated 09.05.2022 would lead to a serious prejudice to the petitioner, as far as consideration of his reply dated 05.05.2022, by the respondent no.4 is concerned, which has been filed



pursuant to the show cause notice dated 02.05.2022, issued by the respondent no.4, hence the said report dated 09.05.2022, submitted by the respondent no.5 be kept in abeyance till the respondent no.4 takes a final decision in the matter. It is also submitted that the respondent no.4, by a letter dated 26.04.2022, has already intimated the respondent no.3 that necessary corrections have been made in the electoral roll of the wife of the private respondent no.7, namely, Puja Kumari and thereafter, the complainant has also informed the respondent no.4, in writing that he is not having any further complain in the matter.

4. *Per contra*, the learned counsel for the respondent-State submits that they do not have any objection, if a direction is issued to the respondent no.4 to consider the reply of the petitioner submitted on 05.05.2022 to the show-cause notice dated 02.05.2022 without being prejudiced by the report/letter dated 09.05.2022, submitted by the respondent no.5.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the respondent no.4, i.e. the Deputy Election Officer, Vaishali, Hazipur to consider the reply of the petitioner dated 05.05.2022, in accordance with law and pass a reasoned and a speaking order within a period of six weeks from today, without being prejudiced by the aforesaid



letter/report dated 09.05.2022, submitted by the respondent no.5, which shall remain in abeyance till the final decision is taken by the respondent no.4.

6. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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