

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9908 of 2024

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Anupam Kamari W/o Raj Kumar Prasad resident of village- Balia Ward no. 12, P.S. Balia, P.O. Lakhminia, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Deputy Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The District Magistrate-cum-District Election Officer, Panchayat, Begusarai.
3. The S.D.O cum Election Officer, Nagar Parishad, Balia, Begusarai.
4. The State Election Commission, Bihar, Patna through the State Election commission, 3rd Floor Sone Bhawan, Veer Chand Patel Path, Patna.
5. The State Election Commissioner, 3rd Floor, Sone Bhawan, Veer Chand Patel Path, Patna.
6. Switi Devi W/o Arbind Kumar resident of ward no.14, Bari Balia, P.S. Balia, District- Begusarai, presently Deputy Chief Councillor, Balia Nagar Parishad, District- Begusarai.
7. Md. Shahzudamma S/O Kasma Khatoon resident of Ward no.21, village and P.O. Lakhminia, P.S. Balia, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, Government Advocate (7)
For the SEC	:	Mr. Ravi Ranjan, Advocate
		Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-07-2024 Heard Mr. Ashok Kumar Sinha, learned counsel for the petitioner and Mr. Ajay, GA-5 who assisted the Court in absence of GA-7.

2. The present petition has been preferred for the following reliefs:

(i) to direct to respondent state to consider the case of the petitioner in the light of the judgment of the Hon'ble Full



Court reported in 2019 Vol.(4) PLJR 673(Supra) in which this petitioner is qualified and 3rd position of the election in the year 2022 for the post of Deputy Chief Councilor of the Ward no.12, Balin, Begusarai;

(ii) to direct respondent state to cancel the candidature for Respondent no.6 for the post of Deputy Chief Councilor at present in which she has violated the rules of this qualification sections 18 of the Sub Clause (1)(m) of the Bihar Municipal act, 2007;

(iii) to direct respondent state to consider of the candidature of the respondent no.6 who is deliberately and malafidely occupied the post of Deputy Chief Councilor of Balia Begusarai and it is unconstitutional and violation of the Bihar Municipal Act;

(iv) to direct respondent state to consider the present petitioner eligible for the post of deputy Chief Councilor of Balia, Begusarai because she has followed the rules of section 18 of the Bihar Municipal Act, 2007;

(v) to direct respondent state to cancel the candidature of respondent no.6 who is not fulfilled the criteria of the section 18 of Bihar Municipal Act 2007 because the



*application of the respondent no.6 in the is
bad in law;*

*(vi) to direct respondent state to
consider the case of the petitioner in the
light of the Full Bench reported in 2019(4)
PLJR 673(Supra) because she is applicable
to the post of Deputy Chief Councilor Balia,
Begusarai Ward no.12.*

3. After some argument, learned counsel for the petitioner accepts that Case no. 27/2023 is pending before the State Election Commission, Bihar and a report of the District Magistrate, Begusarai has also been submitted in this regard. He submits that the petitioner shall be appearing before the said Election Commission to hear hear grievance.

4. In that background, the writ petition is disposed of and it is expected that the State Election Commission, Bihar shall take the matter to its logical conclusion at an earliest, if as per the contention, the District Magistrate, Begusarai has already submitted its report in the matter vide letter no. 2645 dated 18.12.2023.

(Rajiv Roy, J)

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