

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11546 of 2024

Sahodari Devi wife of Shri Prakesh Yadav R/o Village Gopalpur, ward no 07,
ps Shahpur, po Shahpur, dist Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief secretary, Department of Urban Development and Housing, Govt. of Bihar, Patna.
2. The State Election commissioner, state election commission, Patna.
3. The District magistrate-cum-District Returning Officer (Municipality), Bhojpur, Patna
4. The Deputy Election Officer, Bhojpur.
5. The Sub Election Officer, Jagdishpur, Bhojpur.
6. The Assistant Election Officer-cum-Returning Officer, Nagar Panchayat, Shahpur(Bhojpur).
7. The Executive Officer, Nagar Panchayat, Shahpur, District- Bhojpur.
8. Madhubala Kumari wife of sri Chandan Kumar Panday Resident of village- Gopalpur, ward no 07, po Shahpur, ps Shahpur, Dist - Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Gautam Kr. Yadav, AC to GP- 26
For Respondent No. 7	:	Mr. Abhay Kumar Pandey, Adv.
For SEC	:	Mr. Ravi Ranjan, Mr. Girish Pandey, Advocates.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-09-2024 No one appears on behalf of the petitioner, though,

Mr. Ravi Ranjan, learned counsel representing State Election

Commission and learned State counsel are present.

*2. The present application has been preferred for
issuance of an appropriate writ(s), order(s) or direction(s) for
setting aside the order passed in case no 59 of 2023 dated
12/06/2024 and communicated to the concerned official vide*



memo no 2577 dated 12/06/24 by which the petitioner is a ward councillor of ward no 07, Nagar Panchayat Shahpur (Bhojpur) has been terminated with immediate effect under the provision of sec 18(1) (M) read with section 18(2) of Bihar Municipal Act 2007 and ordered to proceed against the petitioner under section 447 of Bihar Municipality act 2007 on the basis of the ex-party report submitted by the Respondent no 3 as well as without affording any opportunity to the petitioner to allow her for medical test of all the three children, so that the respective date of birth(s) may be set at rest.

3. On 05.08.2024, this Court had passed an order after taking note of the reasoned order dated 12.06.2024 passed by the State Election Commission taking note of the fact that despite notice, the petitioner chose neither to appear nor put forward her case. Further, the Commission recorded that she chose not to co-operate in the matter. This Court in that background wanted the petitioner to provide details/birth certificates of her children.

4. A supplementary affidavit has been filed and learned counsel appearing for the Commission has pointed out that all have been procured on 10.07.2024 i.e., long after the order passed by the State Election Commission on 12.06.2024



and before the writ petition was filed. He further submits that though the matter is of the district, Bhojpur, the birth certificates have been procured from Patna Municipal Corporation.

5. A perusal of the birth certificates would show that the local address of Patna has been given in all the said certificates. How and under what circumstance, the said birth certificates were issued by the New Capital Circle, Patna Municipal Corporation is a matter of inquiry. One thing also has been checked that in all the birth certificates, the date of the children is/are between December to February. The birth certificates having been issued on 10.07.2024 are having last five digits as 24843, 24844, 24866, 24915 and 24916.

6. The Municipal Commissioner, Patna is requested to look into the matter, conduct an inquiry, pass a reasoned order and convey the same to this Court in a sealed envelope within three months.

7. However, since the petitioner chose not to present her case, the writ petition stands dismissed for non prosecution.

8. List the matter under the heading 'To be mentioned' on 10th of January, 2025 for perusal of the report/order submitted by Patna Municipal Corporation.

9. Let a copy of the present order along with copy of



all the five birth certificates be sent to the Municipal
Commissioner, Patna for his perusal and necessary action.

(Rajiv Roy, J)

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