

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12660 of 2023

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Dashrath Singh S/o Ramdatta Singh, R/o Kobeya, P.O. - Panapur Ranjita, P.S.
- Harsiddhi, District - East Champaran, Bihar, 845422. Petitioner/s

Versus

1. The State Election Commissioner (Panchayat) Sone Bhawan, Bir Chand Patel, Patna through the State Election Commissioner.
2. The Deputy Secretary, the State Election Commission, (Panchayat), Sone Bhawan, Bir Chand Patel, Bihar, Patna.
3. The State of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The District Magistrate/Collector, Motihari, East Champaran.
5. The District Panchayat Election Officer, Motihari, East Champaran.
6. The Circle Officer, Harshiddi, East Champaran.
7. Baliraj Sahni, S/o Hira Sahni, R/o - House No. 245, Panapur Ranjitha, P.S. - Harsiddhi, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Saroj Kumar Sharma (AAG3)
For the SEC	:	Mr. Ravi Ranjan, Adv

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-07-2024 No one appears on behalf of the petitioner though learned counsel appearing on behalf of the State Election Commission.

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

(i) issuance of writ in the nature of certiorari for quashing the order of State Election Commission in case No. 14 of 2022 dated 20.06.2023 by which a Caste Scrutiny Committee has been Constituted to decide the Caste of the Petitioner on the ground



that the reports provided by the district administration were found to be self-contradictory and no unanimity among opinions of the District Level Administration is violation of principle of Natural Justice;

(ii) issuance of declaration that a reference of the Caste Certificate issue of the Petitioner to the Caste Scrutiny Committee, is illegal, uncalled for and without jurisdiction as the Caste Certificate had been issued after due enquiry and verification;

(iii) issuance of further declaration that the Election Commission lacks sanction of law to dispute the finding of fact recorded by the Competent Revenue Authorities;

(iv) issuance of further declaration that the Authorities 3 had rescinded from the decision of the Halka Karmchari dated 11.08.2021 on good and substantial ground and that the subsequent certificate issued had due authority of law duly endorsed by Superior Authority and the same creates presumption of its validity.

(v) issuance of further declaration that the application of the ratio of the case of Baijnath Singh vs. State of Bihar being C.W.J.C. No. 19084/2021 in the case of the Petitioner was totally inapplicable, out of



context in as much as that there is not even iota of dispute on the validity of the Caste Certificate;

(vi) issuance of further declaration to direct the Respondent Authorities to allow the Petitioner to complete his full tenure as Mukhiya.

3. Learned counsel for the State Election Commission has taken this Court to the case of **Balraj Sahni Vs. Dashrath Sahni passed in case No. 14 of 2022** (the petitioner herein) in which on **20.06.2023** an order has been passed with a further direction to the Caste Scrutiny Committee (Directorate) to decide the caste of the petitioner.

4. He submits that instead of appearing before the said Caste Scrutiny Committee and show his genuineness of the belonging to the caste he is claiming, he has rushed to this Court.

5. This Court find force to the submission of learned counsel of the State Election Commission and the matter is fit to be dismissed but since no one has appeared on behalf of the petitioner, the same is dismissed for non- prosecution.

(Rajiv Roy, J)

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