

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13784 of 2024

Soghra Nasreen Daughter of Mir Aquiquer Rahman, resident of Village-Moulani, Ward No.10, P.O. Taiyabpur, Panchayat-Patesari, P.S. Thakurganj, District-Kishanganj, presently Mukhiya of Gram Panchayat Raj, Jirangachh, Block Thakurganj, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. The State Election Commissioner, State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
4. The Officer on Special Duty, State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Kishanganj, District-Kishanganj.
6. The District Panchayat Raj Officer, Kishanganj, District-Kishanganj.
7. The Block Development Officer, Thakurganj, District-Kishanganj.
8. The Circle Officer, Thakurganj, District-Kishanganj.
9. Md. Tanveer Alam, son of Md. Aminuddin, Resident of Village-Kamaar Dangi, P.O. Jirangachh, P.S. Thakruganj, District-Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Advocate
For the State	:	Mr. Raghwendra Kumar, SC-22
For the SEC	:	Mr. Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-09-2024 Heard Mr. Awnish Kumar, learned counsel for the petitioner, Mr. Raghwendra Kumar, learned SC-22 for the State and Mr. Girish Pandey, learned counsel for the State Election Commission.

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

“(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter



dated 06.08.2024 issued under the signature of the Respondent no.4 and contained in his memo no. 3168 dated 06.08.2024, whereby and where under on the instruction of Respondent no.3, the Respondent no.4 has requested the Respondent no.5 to conduct an enquiry about the cast status of the petitioner in view of the complaint filed by the Respondent no.9 and submit his report on the issue being raised by the complainant positively by 22.08.2024 since Case No.39 of 2024 (Md. Tanveer Alam Vs. Soghra Nasreen) is fixed for its heating on 12.09.2024.

(II) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 29.08.2024 issued under the signature of the Respondent no.6 and contained in his letter no.1031 dated 29.08.2024 amended by a letter dated 30.08.2024 issued under memo no.1037 dated 30.08.2024, whereby and where under the petitioner has been asked to appear before the Respondent no.5 for the purposes of enquiry about the facts of Case No.39 of 2024 on the ground that since the complainant-Respondent no.9 has raised an issue in his complaint regarding social status of the petitioner, the only competent authority to hold an enquiry in the matter is the Caste Scrutiny Committee in view of the judgment of this Hon'ble Court in Kumari Madhuri Patil case and, therefore, the request of Respondent no.4 to the Respondent no.5 and the



subsequent letter of Respondent no.6 directing the petitioner to appear for enquiry on 04.09.2024 is illegal and without jurisdiction.

(III) For a declaration that if in case of Rajani Kumari Vs. The State of Bihar and others, a Full Bench of this Hon'ble Court has already decided the issue according to which the State Election Commission can proceed to disqualify an elected candidate but on production of a document of unimpeachable character , the Respondent Commission is not justified to institute a case against the petitioner for her removal from the post, if it has not received any order of Caste Scrutiny Committee against her.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. Though the challenge in the writ petition is decision of the State Election Commission (respondent no.4) vide letter dated 06.08.2024 by which it requested the respondent District Magistrate, Kishanganj to look into the social status of the petitioner relating to the case no.39 of 2024 (Md. Tanveer Alam vs. Soghra Nasreen), he submits that he may have the liberty to raise all the issues and question of the approaching the Court again be there.



4. Presently only a request has been made to the District Magistrate, Kishanganj to look into the social status of the petitioner who has all the liberty to take up the issues before appropriate forum at an appropriate time.

5. Appreciating the stand of the petitioner and granting him liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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