

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16897 of 2022

Sanjiv Anand Son of Krishna Nandan Sahay Resident of Behind, Shivam Shree Apartment, Renuka Cottage, Dwarika Nath Lane, Salimpur Ahara, P.O.- Kadam Kuan, P.S.- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. The State Election Commission (Municipality) Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
2. The State Election Commissioner, The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
3. The Secretary, The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
4. The District Magistrate-cum-District Election Officer, (Municipality), Patna, District- Patna.
5. The Sub- Divisional Officer, Patna Sadar- cum- Returning Officer, Cum-Electoral Registration Officer, Patna Municipal Corporation Election, 2022, District- Patna.
6. The School Sub-Inspector, Golghar, Patna- cum- Revising Authority, Patna Municipal Corporation Election, 2022, District- Patna.
7. The Booth Level Officer, Ward No.-27 of Patna Municipal Corporation Election, 2022, District- Patna.
8. The Booth Level Officer, Ward No.- 37 of Patna Municipal Corporation Election, 2022, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S. B.K. Manglam, Advocate. Mr. Awnish Kumar, Advocate.
For the State	:	Mr. Kinkar Kumar, SC-9.
For SEC	:	Mr. Ravi Ranjan, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 02-02-2024 Heard Mr. S. B. K. Manglam, learned counsel along with Mr. Awnish Kumar, learned counsel appearing on behalf of the petitioner; Mr. Kinkar Kumar, learned SC-9 for the State and Mr. Ravi Ranjan, learned counsel for the State Election Commission.



2. Learned counsel appearing on behalf of the petitioner seeks to withdraw the present writ petition considering the fact that the election has already been concluded on the basis of illegal voter list prepared by the Electoral Registration Officer believing that, in future, the State Government and the agency concerned must ensure to prepare a genuine electoral roll so that genuine person may not be deprived from their right to franchise and the democratic structure of the local body is defeated. The authority must first call for the objection and then proceed for final publication of the electoral roll after considering the objections filed against the draft voter list in accordance with the provision of Section 21 of the Bihar Municipal Election Rules. Learned counsel has further shown his apprehension that incorrect voter list is being prepared because the authority lacks spirit in engaging qualified person to do census and to prepare electoral roll.

3. The State Government must ensure to abide by the provision of the Bihar Municipal Election Rules and must engage the persons who are having knowledge of census, so that based on the same, they can give correct statistics about the electoral roll, which will be helpful in preparation of the voter list. As on date, the government employees or the employees of



the local bodies, who are not having knowledge of census and are unaware of the arithmetical analysis based on the statistics so prepared on the basis of the survey they must be debarred from being engaged for the purpose of preparing voter list.

4. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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