

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15058 of 2023

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Randhir Narayan Singh Son of Late Yogendra Singh Resident of Village-
Nirakhpur, P.O. Paliganj, P.S. Paliganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secreary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The State Election Commission (Municipality) Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
4. The State Election Commissioner, The State Election Commission (Municipality), Sone Bhawan Birchand Patel Path, Patna.
5. The Officer of Special Duty The State Election Commission (Municipality), Sone Bhawan Birchand Patel Path, Patna.
6. The District Magistrate-Cum-District Election Officer (Municipality), Patna District-Patna.
7. The Sub-Divisional Officer, Paliganj, District-Patna.
8. Sumer Singh Son of Late Bharat Singh Resident of Village-Paliganj, P.O. and P.S. paliganj, District-Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 482 of 2024

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Sumer Singh Son of Late Bharat Singh, Resident of village- Nirakhpur, P.S. -
Paliganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The State Election Commission, Sone Bhawan, Birchand Patel Marg, Patna.
4. The Commissioner, State Election Commission, Sone Bhawan, Birchand Patel Marg, Patna.
5. The Secretary, State Election Commission, Sone Bhawan, Birchand Patel



Marg, Patna.

... .. Respondent/s

Appearance : (In Civil Writ Jurisdiction Case No. 15058 of 2023)	
For the Petitioner/s	: Mr. S.B.K. Mangalam, Advocate Mr. Awnish Kumar, Advocate
For the State	: Mr. Yogendra Prasad Sinha, AAG-7
For the S.E.C.	: Mr. Ravi Ranjan, Advocate
(In Civil Writ Jurisdiction Case No. 482 of 2024)	
For the Petitioner/s	: Mr. Anuj Kumar, Advocate Mr. Shyam Kishore, Advocate
For the State	: Mr. Rishi Raj Sinha, SC-19 Mr. Birendra Prasad Singh, AC to SC-19
For the S.E.C.	: Mr. Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 06-03-2024 Heard Mr. S.B.K. Mangalam, learned counsel along with Mr. Awnish Kumar, learned counsel appearing on behalf of the petitioner in CWJC No. 15058 of 2023; Mr. Anuj Kumar, learned counsel appearing on behalf of the petitioner in CWJC No. 482 of 2024; Mr. Yogendra Prasad Sinha, learned AAG-7 appearing on behalf of the State in CWJC No. 15058 of 2023; Mr. Rishi Raj Sinha, learned SC-19 appearing on behalf of the State in CWJC No. 482 of 2024 and Mr. Ravi Ranjan, learned counsel for the State Election Commission in CWJC No. 15058 of 2023 and Mr. Girish Pandey, learned counsel for the State Election Commission in CWJC No. 482 of 2024.

2. The petitioners are aggrieved by the order dated 15.09.2023 contained in Memo No. 3256 passed by the State Election Commissioner by which he has declared the petitioners



disqualified to hold the post of Ward Councilor from Ward No. 18 of Nagar Panchayat, Paliganj on the ground that the petitioners are father of more than two children. The petitioners have challenged the authority of the State Election Commission that in summary proceeding, the disputed question of facts could not have been adjudicated. The matter is required to be adjudicated and decided by way of filing election petition to be decided by Election Tribunal having jurisdiction within time prescribed.

3. Considering the fact that the order passed by the State Election Commissioner contained in Memo No. 3256 dated 15.12.2023 I don't find clear discussion made with respect to the nomination paper and the Affidavit duly sworn by the petitioners with respect to information that they have not more than two children.

4. The writ petition, is also devoid of any specific pleading or evidence regarding Affidavit filed with the nomination paper duly sworn by the petitioners that he has not more than two children for contesting the election for the Ward and in absence of the said evidence being brought on record, I don't find to exercise jurisdiction under Article 226 of the Constitution of India to grant relief(s) as claimed in paragraph



no. 1 of the writ petition.

5. Accordingly, the present writ petition don't call for any interference. The writ petition is consigned to record.

(Purnendu Singh, J)

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