

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.732 of 2025

Manoj Kumar Singh S/o Late Ramjash Singh, R/o Village-Giridhar Baron,
Nawanagar, P.S.-Sonbarsa, District-Buxar, PIN-802127.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar, Patna.
2. The Chief Secretary, Cooperative Department, Government of Bihar, Patna.
3. The Deputy Chief Secretary, Cooperative Department, Government of Bihar, Patna.
4. The Registrar, Cooperative Department, Government of Bihar, Patna.
5. The Joint Registrar, Cooperative Department, Government of Bihar, Patna.
6. The Bihar State Cooperative Election Authority, through its Secretary, Bihar, Patna.
7. The District Magistrate cum Chief Election Officer, Buxar.
8. The Deputy Development Commissioner cum Nodal Officer, Buxar.
9. The District Cooperative Officer, Buxar.
10. The Block Development Officer cum Election Officer, Nawanagar Block, District-Buxar.
11. The Block Cooperative Officer, Nawanagar Block, District-Buxar.
12. Sudama Singh, Son of Triyogi Singh, Resident of Giridhar Baraon, Nawanagar, P.S.-Sonbarsa, District-Buxar, PIN-802127.
13. Sona Devi, Wife of Hansraj, Resident of Giridhar Baraon, Nawanagar, P.S.-Sonbarsa, District-Buxar, PIN-802127.
14. Munna Nat, son of Late Shivparsan Nat,. Resident of Giridhar Baraon, Nawanagar, P.S.-Sonbarsa, District-Buxar, PIN-802127.
15. Surendra Singh, Son of Late Jiut Singh, Resident of Giridhar Baraon, Nawanagar, P.S.-Sonbarsa, District-Buxar, PIN-802127.
16. Kamli Devi, Wife of Vijay Paswan, Resident of Giridhar Baraon, Nawanagar, P.S.-Sonbarsa, District-Buxar, PIN-802127.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Niranjan Kumar, Advocate
	:	Mr. Shubham Singh, Advocate
For the State	:	Mr. Standing Counsel (01)
For the SEA	:	Mr. Mukesh Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT

Date : 01-08-2025

Heard learned counsel for the petitioner, learned
counsel for the Respondent-State and learned counsel for the
State Election Authority.



2. The petitioner filed the present writ application claiming the following reliefs:-

“(i) For issuance of writ in the nature of Mandamus for directing and commanding the responsible Respondent Authorities specially the Block Development Officer-cum-Election Officer, Nawanagar Block, District-Buxar (Respondent No. 10) to accept the nomination paper of the petitioner dated 10.01.2025 to contest the election for the post of Chairman of Giridhar Baraon PACS, Block-Nawanagar, District- Buxar, in the interest of justice and securing the rights and entitlement of the candidate and voters guaranteed under Part-III of the Constitution of India under Article-19(1)(a) and the Statutory rights incorporated under the Cooperative Societies Act, 2023 as well as securing the beauty of democratic process.

(ii) For staying the operation of the election process for the post of Chairman and Members of the Giridhar Baraon PACS, Block-Nawanagar under the District-Buxar for securing the beauty and objective of democratic process as well as the rights of the candidates and voters guaranteed under Article-19(1) (a) of the Constitution of India as well as the prevailing Act and Statutes, during the pendency of



this writ application.

(iii) For issuance of direction to the higher officials or the responsible respondents to take punitive action against the Respondent No. 10, who has deliberately and willfully not accepted the nomination paper of the petitioner and flatly denied to accept the same in connivance with Private Respondent No. 12 having pecuniary interest, although on the scheduled time and date of nomination i.e. 11:00 A.M. to 04:00 P.M. on 10.01.2025, the petitioner is present at the place/scheduled venue for filing the nomination paper by fulfilling each and every criteria having all documentations being the most eligible candidate for the post of Chairman of Giridhar Baraon PACS, i.e. Nawanagar Block, District- Buxar, which would be evident from the CCTV Footage of Nawanagar Block and the mandatory recording done by the authority concerned in pursuance of the guidelines issued by the Bihar State Cooperative Election Authority (Respondent No. 6). (iv) For any other relief or reliefs to which the petitioner is entitled for in the facts and circumstances of the case.”

3. The learned counsel for the petitioner submits that as per the announcement of the PACS Election, 2024, the



date of nomination for the post of Chairman and Members of the Giridhar Baraon PACS, Block- Nawanagar under the District- Buxar had been specified and the date of filing nomination and time was fixed for 09.01.2025 (Thursday) and 10.01.2025 (Friday) from 11:00 AM to 03:00 PM. This was done through notification dated 31.12.2024 contained in Memo No. 2351 (Annexure P/1). It is further submitted that in pursuance of the aforesaid, being the most eligible and suitable candidate for the post of Chairman and Members of the Giridhar Baraon PACS, Block- Nawanagar under the District-Buxar, the petitioner went to Nawanagar Block before the Block Development Officer-cum-Election Officer, Nawanagar to file his nomination paper with his proposer namely, Ganesh Singh son of Atal Bihari Singh and supporter namely Sudama Ram son of Bhuteli Ram. As per the petitioner, the nomination form duly filled up with all the required documentation was presented on 10.01.2025 at 11:00 AM but the Block Development Officer-cum-Election Officer, Nawanagar in connivance with respondent no. 12 flatly refused to accept the nomination paper and drove the petitioner away. On the other hand, the same Block Development Officer-cum-Election Officer, Nawanagar accepted the nomination of the other candidate (Respondent No.



12).

4. It is further contended that being aggrieved by the aforesaid illegal act of the Block Development Officer-cum-Election Officer, Nawanagar of refusing to accept the nomination paper, the petitioner filed applications dated 10.01.2025 to all the authorities concerned including the District Election Officer-cum-District Magistrate, Buxar, the Chief Secretary Bihar, District Cooperative Officer, Buxar, Joint Registrar Cooperative, the State Election Authority, Patna through emails complaining about the illegal and arbitrary action of the Block Development Officer-cum-Election Officer, Nawanagar. All these documents have been brought on record by way of Annexure-P/3 series. Learned counsel for the petitioner further submitted that although the petitioner has alternative remedy for challenging the said illegal act of the Election Officer, Nawanagar but the petitioner has consciously chosen the remedy of filing writ jurisdiction for issuance of writ of mandamus for directing and commanding the respondent authorities especially the Block Development Officer-cum-Election Officer, Nawanagar to accept the nomination paper of the petitioner dated 10.01.2025 so that the petitioner could contest the election for the post of Chairman, Giridhar Baraon



PACS, Block- Nawanagar under the District- Buxar.

5. During the pendency of the writ application, a list dated 15.01.2025 (Annexure-P/5) was issued under the signature of Block Development Officer-cum-Election Officer, Nawanagar (PACS), whereby and whereunder the respondent no. 12 namely, Shri Sudama Singh was declared elected uncontested. Since, this development took place during the pendency of the writ application, therefore, the petitioner filed an Interlocutory Application bearing I.A. No. 1 of 2025 by which he made prayer for additional relief for challenging the list dated 15.01.2025 (Annexure-P/5) by which the respondent no. 12 had been declared elected uncontested and also for staying the operation of the said list dated 15.01.2025.

6. On 16.06.2025, when the Interlocutory Application bearing I.A. No. 1 of 2025 was being argued by the learned counsel appearing for the petitioner, learned counsel appearing for the Respondent-State Election Authority objected to the maintainability of the writ application by contending that the petitioner had the remedy of challenging the election by filing election petition and hence, the present writ application should be dismissed as having become infructuous and not maintainable anymore because during the pendency of the same,



the candidate (respondent no. 12) had already been declared elected.

7. While responding to the issue of maintainability of writ, the learned counsel for the petitioner relied upon the *judgment dated 03.11.2009 delivered by this Court in CWJC No. 13474 of 2009, judgment dated 19.05.2010 delivered by Division Bench of this Court in LPA No. 1557 of 2009 also reported in 2010(3) PLJR 578, judgment dated 05.12.2024 delivered in CWJC No. 13098 of 2024 and judgment reported in 2016(2) PLJR 253*. Relying on these judgments, the petitioner strenuously argued that although in normal circumstance, once the election is notified and held, the same can only be challenged by way of election petition but in exceptional circumstance, the writ application challenging the election can be entertained. Learned counsel for the petitioner, therefore, submitted that refusing to accept or non-acceptance of nomination paper of the petitioner, which as per the petitioner, was tendered before 03:00 PM on 10.01.2025 qualified as “exceptional circumstance” and, therefore, the present writ application was maintainable for the purpose of challenging the election.

8. Per contra, learned counsels appearing for the



respondents submit that *vide* notification bearing Memo No. 2351 dated 31.12.2024, the State Election Authority had notified the election for the post of Chairman and Members of the Giridhar Baraon PACS, in which it was clearly stated that nomination paper must be produced on 09.01.2025 and 10.01.2025 from 11:00 AM to 03:00 PM. It is the specific contention of the respondents in paragraph-5 of their counter-affidavits that the petitioner tried to produce his election nomination paper after 03:45 PM on 10.01.2025 and it was on this account that the nomination paper of the petitioner was not received because by 03:00 PM, the time for filing nomination had already lapsed. Paragraph Nos. 5 and 6 of the counter-affidavit filed by the respondents is quoted hereinbelow for needful:-

“5. That the petitioner tried to produce his election nomination paper after 03:45 pm on 10.01.2025, therefore the nomination paper was not received after scheduled time in notification of 03:00 pm.

6. That vide letter no.-147 dated 06.02.2025 the BDO -cum-Election Officer, Nawanagar submitted the report to the Bihar State Election Authority regarding producing of nomination paper by the



*petitioner on 10.01.2025
after 03:45 pm. Therefore it
was not received.”*

9. Upon careful consideration of the submissions made by both the parties, the following legal issue arises for consideration in the present case:-

“Whether the petitioner presented his nomination paper on 10.01.2025 prior to 03:00 PM? If yes, then whether the refusal to accept or non-acceptance of the nomination paper of the petitioner by the Block Development Officer-cum-Election Officer, Nawanagar will qualify as “exceptional circumstance” for maintaining this writ challenging the election of respondent no. 12 for the post of Chairman and Members of the Giridhar Baraon PACS, Block- Nawanagar under the District- Buxar?”

10. It is the specific case of the petitioner that when the Block Development Officer-cum-Election Officer, Nawanagar did not accept the nomination paper of the petitioner, which the petitioner, claims to have presented before him on 10.01.2025 at 11:00 AM, the petitioner thereafter filed applications to various authorities including through emails, which the petitioner has enclosed by way of Annexure-P/3 series. On careful examination of all the documents which are enclosed as Annexure-P/3 series, it shall transpire that none of



the documents reveal or establish the fact that they were instituted prior to 03:00 PM on 10.01.2025. In fact, the emails dated 10.01.2025 which are enclosed at Page-47 to Page-50 of the writ application clearly show that they were sent after 10:30 PM on 10.01.2025. In fact, one of the emails at Page-50 shows that it was sent on 11.01.2025 at 12:20 AM. There is absolutely no document on record to even, *prima facie*, establish the contention of the petitioner that the petitioner had approached the Block Development Officer-cum-Election Officer, Nawanagar prior to 03:00 PM on 10.01.2025 for filing his nomination. On the contrary, the respondents have clearly stated that the petitioner had turned up to file his nomination paper after 03:45 PM on 10.01.2025 which is also stated in the report contained in Letter No. 147 dated 06.02.2025 (Annexure R/B).

11. For the reasons as stated above, it can be safely concluded that the petitioner has failed to establish that the petitioner had presented the nomination paper on 10.01.2025 prior to 03:00 PM and consequently, the contention of the petitioner that his nomination paper was refused to be accepted by the Block Development Officer-cum-Election Officer, Nawanagar has to be rejected.

12. Since, the petitioner has failed to establish his case



of non-acceptance or refusal to accept the nomination paper by the Block Development Officer-cum-Election Officer, Nawanagar, therefore, the second part of the legal proposition regarding exceptional circumstance does not require to be answered in the present case and is kept open for consideration in an appropriate case in future.

13. Under the aforesaid facts and circumstances, the present writ application is dismissed on account of the fact that during the pendency of the writ application, the election has already been held in which the respondent no. 12 has already been declared elected for the post of Chairman and Members of the Giridhar Baraon PACS, Block- Nawanagar under the District- Buxar and also on account of the fact that the petitioner has failed to establish his case.

14. Accordingly, the writ application stands dismissed. All pending Interlocutory Applications, if any shall stand dismissed.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

AFR/NAFR	NAFR
CAV DATE	28.07.2025
Uploading Date	01.08.2025
Transmission Date	NA

