

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5410 of 2019**

Saiyad Mohammad Imam Son of Saiyad Nurul Imam resident of Village Jogauliya Tola Gulab Khan, Police Station Madhuban, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary Government of Bihar, Patna.
3. The District Magistrate-cum- District Election Officer East Champaran, Mothari.
4. The Election Commission of India through the Secretary, Nirvachan Sadan, Ashoka Road, New Delhi 100001.
5. The Chairman, the Election Commission of India Nirvachan Sadan, Ashoka Road, New Delhi 100001.
6. The Secretary, the Election Commission of India Nirvachan Sadan, Ashoka Road, New Delhi 100001.

... .. Respondent/s

**Appearance :**

|                      |   |                                 |
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| For the Petitioner/s | : | Mr. Sanjay Kumar, Advocate      |
| For the Respondent/s | : | Mr. Gyan Prakash Ojha (GA- 7)   |
| For the ECI          | : | Mr. Siddhartha Prasad, Advocate |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

5      13-02-2025                      Heard Learned Counsel for the petitioner, Learned Counsel for the State and Learned Counsel for Election Commission of India.

2. The present writ petition has been filed in the nature of certiorari for quashing of the order No.76/ आदेश / पूर्व-अनु०-1/बिहार-वि.स./2015 dated 12.06.2018 (annexed as Annexure-2) whereby and whereunder in purported exercise of power u/s 10(A) of the Representation of the People Act, 1951, the Election Commission of India declared the petitioner to be disqualified for a period of three years.

3. Learned Counsel for the petitioner submits that



section 10(A) of the Representation of the People Act, 1951 (Act No.43 of 1951) describes the provision relating to disqualification for failure to lodge account of election expenses. Counsel submits that the said account used to be filed through District Election Officer. He has annexed Annexure-1 where receiving is of 16.12.2015. Counsel himself submits that since the said decision of the Election Commission of India is of 12.06.2018 and disqualification was for a period of three years from the date of the order. As such, the present writ petition has become infructuous.

4. Learned Counsel for Election Commission of India submits that Counsel for the petitioner has argued in this case completely in accordance with law.

5. In the light of the submissions made and upon going through section 10(A) of the Representation of the People Act, 1951 (Act No.43 of 1951), it transpires to this Court that the disqualification was for three years, which has lapsed on 11.06.2021. Hence, this writ petition is hereby dismissed as infructuous.

**(Dr. Anshuman, J)**

Divyansh/-

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