

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6779 of 2025

Pushpal Kumar S/o- Nawal Kishor Singh, Resident of Vill.- Shyampur, P.S.-
Vaishali (O.P.-Belsar), Dist- Vaishali, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Bihar State Election Authority, Patna through the Secretary, Bihar State Election Authority, 32 Harding Road, Rajbanshi Nagar, Patna, Bihar.
3. The Chief Election Officer, Bihar State Election Authority, 32, Harding Road, Rajbanshi Nagar, Patna, Bihar.
4. The Additional Chief Secretary, Department of Co-operative, Vikash Bhawan, New Secretariat, Patna.
5. The Registrar, Co-operative Societies, Bihar, Patna.
6. The District Magistrate-cum-District Election Officer (Co-operative), Vaishali at Hajipur, Bihar.
7. The Deputy Development Commissioner-cum-Nodal Officer, Vaishali.
8. The District Co-operative Officer, Vaishali at Hajipur, Bihar.
9. The Block Development Officer-cum-Election Officer, Block- Vaishali, Dist- Vaishali at Hajipur.
10. The Co-operative Extension Officer-cum-Administrator Chintamanipur Panchayat, Block- Vaishali, Dist- Vaishali at Hajipur.
11. Chandan Patel (Ex-Chairman), Chintamanipur Panchayat Primary Agriculture Credit Society, Block-Vaishali, Dist-Vaishali at Hajipur.
12. Rani Kumari (The Manager), Chintamanipur Panchayat Primary Agriculture Credit Society, Block- Vaishali, Dist- Vaishali at Hajipur.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar, Advocate
	:	Mr. Kundan Kumar Ojha, Advocate
For the State	:	Mr. Standing Counsel (20)
	:	Mrs. Puspanjli Sharma, AC to SC-20
For Election Authority	:	Mr. M.K. Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 24-04-2025 Heard Mr. Dhananjay Kumar, learned counsel for

the petitioner, Mr. M.K. Thakur, learned counsel for the Bihar

State Election Authority and Mrs. Puspanjli Sharma, learned

AC to SC-20 for the State.

2. The petitioner in the present writ application has



prayed for the following reliefs:-

(1) That an appropriate writ/writs be issued, commanding respondents, more particularly to the respondent no-2 to make an enquiry with respect to voter list of Chintamanipur Panchayat Primary Agricultural Credit Society [hereinafter to be referred as PACS], and after due enquiry, considering objections and claims, rectify the voter list of, PACS in question, as during the enquiry made by the respondent no.-2 some discrepancies were found and enquiry report suggests that, guidelines of Bihar State Election Authority [hereinafter to be referred as the Authority] has not been followed.

(ii) That an appropriate direction/s be issued in the name of respondents authorities to withhold the Election of PACS in question; notified vide Notification bearing No.- 1041, date 04/04/2025 (Annexure-P/18), till the voter list is rectified, as per provisions of Bihar Co-operative Societies Act and by-laws of PACS as well as guidelines issued by the authority.

(iii) That a direction be also issued to the respondents to initiate an appropriate and suitable punitive action against respondent no.- 9, 11 & 12, who deliberately



prepared the voter list by making interpolation in the 2019 voter list, as also added more than 230 members contrary to the provisions prescribed for it and deleted the names of 162 existing members, which have been rectified pursuant to the direction of the authority, however, names of more than 230 ineligible members are still existing in the voter list and thus they have tried to undue influence the election, which shall materially affect the conduct of free and fair election.

(iv) Any other relief/reliefs petitioner found entitled in law, be granted to him.

3. In the writ application, the petitioner has annexed the Notification bearing No.1041 dated 04.04.2025 as Annexure-P/18 by which the election has already been notified and the process of conducting the election has already started.

4. Learned counsel appearing for the Bihar State Election Authority raises a serious objection as to the maintainability of the present writ application by contending that in the case of *Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha & Another Vs. State of Maharashtra & Others* reported in *[(2001) 8 SCC 509]* and in the case of *Shaji K. Joseph Vs. V.*



Vishwanath & Ors. [2016 (2) PLJR SC 330], once the election has been notified and it is scheduled to be held, no writ would be maintainable as the petitioner can challenge the election by way of election petition taking all the grounds including the grounds which he is agitating in the present writ application. In the case of ***Shri Sant Sadguru Janardan Swami (supra)***, the Hon'ble Supreme Court in paragraph-12 has held and observed as follows:-

“In view of our finding that preparation of the electoral roll is being an intermediate stage in the process of election of the Managing Committee of a specified society and the election process having been set in motion, it is well settled that the High Court should not stay the continuation of the election process even though there may be some alleged illegality or breach of rules while preparing the electoral roll...”

5. The same legal position has been reiterated by the Hon'ble Supreme Court in the subsequent case reported in ***[2016 (2) PLJR SC 330]***. Further, both these judgments of the Hon'ble Supreme Court have also been relied by a Coordinate Bench of this Court in the case of ***Shashikant Mandal Vs. The State of Bihar reported in [2018 (2) PLJR SC 787]*** wherein in paragraph-6, it has been held and observed as



follows:-

“6. In Shaji K. Joseph Vs. V. Vishwanath & Ors. (Supra), the issue before the Supreme Court was with regard to election of a member to the Dental Council of India under Section 3(a) of the Dentists Act, 1948 and Dental Council (Election) Regulations, 1952. The Supreme Court once again reiterated the settled law that once the process of election starts, no Court should interfere with the election process. It held that the High Court was not right in interfering with the process of election specially when the process of election had started upon publication of the election programme and more particularly when an alternative statutory remedy was available to the respondent by way of referring the dispute to the Central Government as per the provisions of the Dentists Act, 1948 and Dental Council (Election) Regulations, 1952.”

6. In view of the above decisions of the Hon'ble Supreme Court and of a Coordinate Bench of this Court and taking note of the fact that the election has already been notified by Notification bearing No.-1041, date 04/04/2025 (Annexure-P/18) by which the election process has already started and the date of election has been notified to be 28.04.2025, this Court holds that the present writ application is not maintainable and that the petitioner will have the liberty of challenging the election by way of election



petition.

7. Under the aforesaid facts and circumstances of the case, the present writ application is dismissed as not maintainable.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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