

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7471 of 2023

Manikant Mandal Son of Late Tarni Prasad Mandal Resident of Budhuchak
Barmashiya, Near Pole Factory, P.S.- Sahayak, District- Katihar, Bihar

... .. Petitioner/s

Versus

1. Union of India Represented by Secretary Ministry of Law and Justice,
Government of India, New Delhi.
2. Home Minister, Government of India, New Delhi.
3. Central Law Minister, Government of India, New Delhi.
4. The Delimitation Commission, Government of India, New Delhi,
represented through its Chairman.
5. The Chief Election Commissioner, Government of India, New Delhi.
6. The State Election Commissioner, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Adv. Mr. Ranjan Kr. Singh, Adv.
For the U.O.I.	:	Mr. Awadhesh Kr. Pandey, Sr. Adv.
For the E.C.I.	:	Mr. Siddhartha Prasad, Adv.
For the S.E.C.	:	Mr. Ravi Ranjan, Adv. Mr. Girish Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 13-02-2025

Learned Counsel for the petitioner, Learned
Counsel for the Union of India, Learned Counsel for the State
Election Commission and Learned Counsel for the Election
Commission of India are present.

2. Learned Counsel for the petitioner submits that
the present writ petition has been filed for direction to the
respondents to adopt the procedure and allegation of the seats in
the House of People (Lok Sabha) reserved for the Scheduled
Tribes for the State of Bihar and, consequently, amendment in
the First Schedule of the Representation of People Act, 1950.



3. Counsel further submits that there is no reserve seat for the Scheduled Tribes in the House of People (Lok Sabha) for State of Bihar as constituted in the year 2009 on the basis of Delimitation of Parliamentary and Assembly Constituencies Order 1976 or as per the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 as mentioned in Representation of People Act, 1950, Part-II Section 3 and in the First Schedule of the Act.

4. Counsel further submits that the petitioner has filed representation to all the authorities, but there was no response from any corner and it is due to this reason, he has filed the present writ petition.

5. Learned Counsel for the Election Commission of India submits that the present subject has been guided by Article 170 of the Constitution of India under which there is an embargo created that any action shall be done only after the year 2026 and it has come in the Constitution of India by virtue of 84th Constitutional Amendment Act, 2001.

6. Learned Counsel for the State Election Commission submits that the Delimitation Act, 2002 (Act 33, 2002) has been enacted with a view to provide for the readjustment of the allocation of seats in the House of People to



the States, the total number of seats in the Legislative Assembly of each State, the division of each State and each Union Territory having a Legislative Assembly into territorial constituencies for elections to the House of the People and Legislative Assemblies of the State and Union Territories and for matters connected therewith. He further submits that the power of Constitution has been vested in the Delimitation Commission.

7. Learned Counsel for the Union of India submits that today as on date, the present writ petition is pre-mature as the question which has been arisen by the counsel for the petitioner, may be raised only after taking relevant figure after publication of the first census after the year 2026.

8. In this view of the matter, this Court is of the firm view that the case of the petitioner is pre-mature and, therefore, dismissed as not maintainable.

(Dr. Anshuman, J.)

Prakashmani/-

AFR/NAFR	AFR
CAV DATE	N/A
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