

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12981 of 2025

Ashok Kumar Jigyasu Son of Shri Mahendra Kumar, Resident of Village- Ghataon, Ghatawan, Post Office- Fakhrabad, District- Kaimur at Bhabhua. At present posted and Working as Block Development Officer Kusheshwar Asthan, East Darbhanga, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The Sub-Divisional Officer, Piro, District- Bhojpur at Ara.
5. The Deputy Election Officer (Panchayat)-Cum-District Panchayat Raj Officer, District- Bhojpur at Ara.
6. The State Election Commission Panchayat, Sone Bhawan, Bir Chand Patel, Bihar Patna.
7. The State Election Commissioner, the State Election Commission Panchayat, Sone Bhawan, Bir Chand Patel Path, Bihar, Patna.
8. The Secretary, the State Election Commission Panchayat, Sone Bhawan, Birchand Patel, Bihar, Patna.
9. The Deputy Secretary, the State Election Commission, Panchayat, Sone Bhawan, Birchand Patel, Bihar, Patna.
10. The Circle Officer, Tarari, District- Bhojpur at Ara.
11. The Circle Officer, Sahar, District- Bhojpur at Ara.
12. Smt. Ranju Devi, Wife of Dharmendra Ram, Resident of Village - Nonadih, Gram Panchayat Panwari, Block and Police Station- Tarari, District- Bhojpur at Ara.
13. Smt. Usha Devi, Wife of Dadan Ram, Resident of village- Nonadih, Gram Panchayat Panwari, Block and Police Station - Tarari, District- Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the State	:	Mr. Government Pleader (17)
For the State Election Comm.	:	Mr. Ravi Ranjan, Advocate
		Mr. Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-08-2025 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for State Election
Commission.



2. The present writ petition has been filed for the following relief/s:-

“I. For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 05.06.2025 passed by the State Election Commissioner, Bihar, Patna in Case No. 41/2021 (Ranju Devi vs. Usha Devi), so far as it relates to an observation against the petitioner, whereby it has been observed that the then Returning Officer -cum-Block Development Officer, Tarari, Bhojpur, namely, Shri Ashok Kumar Jigyasu is being prohibited for participating/conducting in all election work for the next 10 years from the date of issuance of the order. Apart from this, the District Magistrate, Bhojpur is directed to immediately prepare a charge in Format -'K' on the proved allegations of not discharging the duties as Returning Officer impartially and honestly and tampering with the records to benefit one party and sent the same to his parent department and a copy of the same be made available to the Commission, without considering that the fact petitioner in his capacity of the then Returning Officer -cum-the Block Development Officer, Tarari, Bhojpur at Ara has discharged his duties with utmost diligence, honesty and integrity and so far as the observation that the petitioner



tampered with the records so as to give benefit to one party is absolutely incorrect and is not based on any material facts and the records of the entire case reveal that no irregularity has been caused in the election of Mukhiya in Gram Panchayat Raj Panwari, Anchal - Tarari, District-Bhojpur at Ara in the year 2021, which is evident from the fact that the Commission itself in the order dated found 05.06.2025 has found that the elected candidate, namely, Usha Devi was eligible for reservation benefits as per the proviso to Section 135 of the Bihar Panchayt Raj Act, 2006, on the first date of scrutiny as it is an admitted fact that Smt. Usha Devi belongs to caste "Dusadh" Dhari, Dharahi (Scheduled Caste) and there is no dispute on her caste and thus rejected the claim of the applicant Ranju Devi and, therefore, when the election in which, the aforesaid Usha Devi was found to be a returned / selected candidate, has been held to be valid, no question of dishonesty or lack of integrity of the petitioner arise but the Commission has not considered these facts and has arbitrarily imposed such a punishment, which would cause huge loss to the petitioner so far his future prospects are concerned and thus the said order so far the observation /direction against the petitioner for debarring him for ten years for



participating in any future election and for preparation of format -'K' against him is required to be quashed, as before passing such an arbitrary order against the petitioner, the proper enquiry has not been done in the matter.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to not act in the light of such an arbitrary direction of the State Election Commissioner, Bihar, Patna in the order dated 05.06.2025 passed by the State Election Commissioner, Bihar, Patna in Case No. 41/2021 (Ranju Devi vs. Usha Devi), as the same would only discourage the officers like the petitioner, who have been discharging his duties honestly and with utmost diligence and integrity so that a fair and impartial election could take place and such an allegation that petitioner tampered with the records to benefit one party is arbitrary and not based on records and no independent enquiry has been done so as to ascertain the truthfulness of the said allegation as the election was between the candidates in which one of the candidates has been selected as Mukhiya but the petitioner being a Govt. Servant discharging his duties with utmost honesty and integrity and such an arbitrary direction of the State Election



Commissioner, Bihar Patna in the order dated 05.06.2025 passed by the State Election Commissioner, Bihar, Patna in Case No. 41/2021 (Ranju Devi vs. Usha Devi), would only discourage the officers like the petitioner, who have been discharging his duties honestly and with utmost diligence and integrity so that a fair and impartial election could take place.

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to not proceed to take any precipitate action against the petitioner in the light of the said order of the State Election Commissioner, Bihar, Patna as such an allegation of dishonesty, lack of integrity and tampering with the records to benefit one particular candidate is not based on any material facts and furthermore, as stated above, no independent enquiry has been done to ascertain these facts and such allegations are based only on conjecture and surmises.

IV. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioner will be found entitled in the facts and circumstances of the case.”

3. After some arguments, learned counsel for the petitioner seeks permission to withdraw the present writ



petition.

4. Accordingly, the present writ petition is hereby disposed of granting liberty to the petitioner to raise his grievance and present all his contentions against the issuance of *Prapatra-K* before the appropriate authority/forum.

(Dr. Anshuman, J)

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