

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.102 of 2025

In
Civil Writ Jurisdiction Case No.18090 of 2023

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Akbari Talak @ Akabari Talak Wife of Nasim, Resident of Village - Khaisa,
PS - Jamalpur, District- Darbhanga, Presently Mukhiya of Khaisa Gram
Panchayat, District - Darbhanga.

... .. Appellant

Versus

1. The State of Bihar through Additional Chief Secretary, Panchayati Raj Department, Government of Bihar,
2. District Magistrate cum District Election Officer (Panchayat), Darbhanga.
3. The State Election Commission (Panchayat), Sone Bhawan, Bir Chand Patel Path, Patna through the State Election Commissioner.
4. The State Election Commissioner, Bihar State Election Commission (Panchayat), Sone Bhawan, Bir Chand Patel Path, Patna, Bihar.
5. Officer on Special Duty, State Election Commission, 3rd Floor, Sone Bhawan, Bir Chand Patel Path, Patna, Bihar.
6. Ruhi Praveen Wife of Md. Nasrullah Resident of Village - Khaisa, P.S. Jamalpur, District- Darbhanga.

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Ranjeet Choubey, Advocate
For the State	:	Mr. Ajay, GA-5
For the State Election Commission	:	Mr. Ravi Ranjan, Advocate
		Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 15-07-2026

Re: I.A. No. 01 of 2025

Learned counsel for the appellant presses I.A. No. 01
of 2025 for condoning the delay of 103 days in preferring this
appeal.

2. For the reasons stated in the application, the delay



of 103 days in preferring this appeal is condoned.

3. I.A. No. 01 of 2025 stands allowed.

Re: L.P.A. No. 102 of 2025

4. The present intra court appeal is directed against the order dated 13.09.2024 passed by a learned Single Judge of this Court in CWJC No.18090 of 2023, whereby the writ petition preferred by the appellant came to be disposed of.

5. The learned Single Judge while disposing of the writ petition, made the following observations in Paragraph Nos.56 to 62:-

“56. The returned candidate has raised a valid point that given a chance and/or having put on notice on this aspect, she would have come up with the facts/documents/legal aspects/submissions to satisfy ‘the Commission’.

57. Having failed to notice the returned candidate particularly when neither it was part of the complaint nor ever argued, the direction has greatly prejudiced her cause as pursuant thereto, Jamalpur P.S. Case No. 146 of 2023 was lodged against her under sections 420, 177 and 182 of the Indian Penal Code and cognizance too has been taken accordingly.

58. This Court thus holds that ‘the Commission’ while passing the order dated 16.08.2023 in Case No.72 of 2023 failed on both counts inasmuch as:

(i) it failed in coming to a definite conclusion regarding the returned candidate being 21 years of age on the date of her nomination;

(ii) it further failed to put the



returned candidate on notice before holding her guilty of suppression of facts and thereafter gave direction for taking action against her.

*59. In the aforesaid circumstances, in the considered opinion of the Court, 'the Commission' will have to give a re-look to the **case no. 72 of 2023 (Ruhi Parveen vs Akbari Talak)** afresh both on the age of returned candidate as also the charge of suppression of her educational status.*

60. As the Court has decided to remit the matter back to 'the Commission', to decide it afresh, it has not discussed the legal issues raised in the matter and both the parties shall be free to raise all the issues before 'the Commission' once they are noticed.

61. So far as the cognizance order taken in the Jamalpur P.S. Case No. 146 of 2023 is concerned, as the Court is remitting the matter back to 'the Commission' to hear and pass an order afresh, the same shall remain in abeyance till a decision is taken by 'the Commission' and shall merge with the final order passed by 'the Commission'.

62. The order dated 16.08.2023 passed in Case No. 72 of 2023 (Ruhi Parveen vs Akbari Talak) by the State Election Commission, Bihar, Patna is set aside and the matter is remitted back to hear the same afresh in accordance with law."

6. Considering the aforesaid observations, we find no merit in the present appeal. Hence, the present appeal stands disposed of in terms of the observations made by the Writ Court.

7. If so advised, the appellant will be at liberty to participate in the proceeding and raise all the issues before the



Commission.

8. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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