IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14552 of 2025

CNR No. BRHC010936272025

==========

Zafeer Azad @ Jafir Azad son of Izhar Hussain @ Izhaar Hussain Resident of Village- Siswan, Ward No 13, P.S.- Banjariya, District- East Champaran, Bihar

... ... Petitioner/s

Versus

1. The District Returning Officer - cum District Collector, East Champaran at Motihari.
2. The Returning officer cum Block Development Officer, Block - Banjariya, District - East Chamaparan
3. Lalan Kumar son of Daroga Choudhary, resident of village - Ajgari, Chudihrawa Tola, PO- Ajgari Math, PS - Banjariya, District - East Champaran.
4. District Panchayat Raj Officer, District- East Champaran at Motihari
5. The Block Development Officer, Block Banjariya, District - East Champaran
6. The State of Bihar Through The DM Motihari
7. Anil Kumar Yadav son of Vinod Kumar Yadav resident of village- Chailaha, P.O.- Chailaha, P.S.- Banjariya, District- East Champaran

... ... Respondent/s

==========

Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Adv.
	:	Mr. Anita Kumari, Adv.
For Respondent No. 3	:	Mr. Dhiraj Kr. Singh, Adv.
For Respondent No. 7	:	Mr. Pravin Kumar, Adv.
For State	:	Mr. Pramod Kumar Singh, Adv.
	:	Mr. Amit Kumar, Adv.

==========

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

9 27-10-2026 Heard the learned counsel for the parties.

The present writ petition has been filed for the following relief(s):-

"i. For issuance of writ of certiorari to set aside judgment dated 31.07.2025 passed in Election Petition No. 04 of 2022, by which learned Civil Judge (Senior Division) – cum - Election

WEB COPY

Tribunal, East Champaran at Motihari held that OP No. 3 (hereafter 'petitioner' or 'writ petitioner') indulged in corrupt practice by acting in breach of Section 125A(1) of Bihar Panchayat Raj Act, 2006 (hereinafter 'BPRA') and accordingly, his election as Pramukh of Banjariya Block has been declared as void and set aside.

ii. For issuance of writ of certiorari to set aside letter contained in Memo No. 2311 dated 08.08.2025, by which District Panchayat Raj Officer, East Champaran directed Block Development Officer, Banjariya to comply with the order / direction contained in judgment dated 31.07.2025 passed in Election Petition No. 04 of 2022.

iii. For issuance of writ of mandamus to stay the operation of the impugned judgment dated 31.07.2025 as also the consequential communication contained in Memo. No. 2311 dated 08.08.2025 during the pendency of represent writ application.

iv. For grant of any other relief in the interest of justice, equity and good conscience."

3. Following relief has been added by I.A.:-

That the present Interlocutory Application is being filed in view of order dated 24.12.2025 passed by this Hon'ble Court with a prayer to permit impleadment of "Anil Kumar Yadav, son of Vinod Kumar Yadav, resident of Village–Chailaha, P.O.–Chailaha, P.S.– Banjariya, District–East Champaran" as 'Respondent No. 7' in the present proceeding on account of his election on the post of Pramukh of Banjariya Block, East Champaran during the pendency of this case.

4. It is the case of the petitioner that pursuant to the notification for the 2021 Bihar General Panchayat Elections, the writ petitioner (Zafeer Azad @ Jafir Azad) and the Respondent No. 3 herein (Lalan Kumar) contested for the post of Panchayat

WEB COPY

Samiti Member. The petitioner filed his nomination paper on 30.10.2021 before the Returning Officer for Territorial Constituency no. 12 (Siswa East Gram Panchayat). While filing his nomination form on 30.10.2021, the petitioner submitted an affidavit wherein he stated that he had never been remanded to custody, mentioned one case of acquittal (Case No. 2216/2014), and disclosed only four pending criminal cases in which cognizance had been taken (Town P.S. Case No.130/2014, Town P.S. Case No. 414/2014, Turkaulia (Banjariya) P.S. Case No. 666/2020, and Turkaulia (Banjariya) P.S. Case No. 927/2020). It is stated by the petitioner that due to a lack of physical space in the concerned column of the nomination form, he could not list three other pending criminal cases and subsequently submitted a supplementary application/letter dated 01.11.2021 to the Returning Officer bearing a receiving stamp from the officer, disclosing the remaining three cases and requesting that it be treated as part of his nomination form at the time of scrutiny. Thereafter, the base election for the post of Panchayat Samiti Member was held on 08.12.2021 and the results were declared on 10.12.2021, with both the petitioner and the Respondent No. 3 successfully winning their respective constituencies. Following their base elections, both the petitioner and the

WEB COPY

Respondent No. 3 contested the indirect election for the executive office of Block Pramukh, Banjariya, held on 31.12.2021, wherein the petitioner won by securing 10 votes, defeating the Respondent No. 3 who secured 7 votes (by a margin of 3 votes).Thereafter, the Respondent No.3 filed Election Petition No. 04 of 2022 on 15.02.2022 before the learned Election Tribunal, East Champaran at Motihari, along with a condonation of delay application. The learned Election Tribunal condoned the delay and issued notice on 18.02.2022. In the election petition, the Respondent No. 3 alleged that the petitioner had deliberately suppressed three grave pending criminal cases punishable with imprisonment for more than six months in which cognizance had already been taken:

(i) **Sugauli (Rail) P.S. Case No. 20/2010** dated 02.06.2010 and Sections 3/4 of the Explosive Substances Act, 1908 (for explosion of substance at the Railway Station), wherein the petitioner was declared an absconder, surrendered before the trial court on 28.09.2012 after issuance of proclamation/process under Cr.P.C., cognizance was taken on 14.02.2013, he remained in judicial custody until granted bail on 31.05.2013, his bail bond was cancelled on 24.08.2018, he was granted bail again on 10.09.2018, and charges were framed

WEB COPY

against him on 27.09.2018.

(ii) **Complaint Case No. 1707/2016**, before the learned C.J.M., East Champaran at Motihari, wherein cognizance was taken against the petitioner on 15.09.2016 under Sections 420 and 406 of the IPC and Section 138 of the Negotiable Instruments Act, and a Non-Bailable Warrant was issued against him on 08.10.2018 by the learned A.C.J.M., East Champaran; and

(iii) **Complaint Case No. C-26/2011**, filed under Sections 406, 420, 452, 379, 380, 311, and 387/34 of the IPC and Section 27 of the Arms Act.

4.1 The petitioner filed his Written Statement on 22.08.2022, and on account of delay in the trial, the Respondent No. 3 approached this Court in C.W.J.C. No. 12127 of 2023, which was disposed of vide order dated 26.09.2023 directing the Election Tribunal to dispose of Election Petition No. 04 of 2022 preferably within six months. After closure of the petitioner's evidence, the learned Election Tribunal (Civil Judge, Senior Division-V, Motihari) vide judgment and order dated 31.07.2025 was pleased to allow Election Petition No. 04 of 2022, holding that the petitioner's non-disclosure of the three pending criminal cases on his sworn affidavit amounted to a

WEB COPY

corrupt practice in breach of Section 125-A(1) read with Section 139(1)(b) and (d) of the Act, and declared his election void and set it aside. Challenging the judgment dated 31.07.2025 the present writ petition is filed. During the pendency of the writ petition, the State Election Commission notified a fresh election on 21.10.2025, wherein this Court vide order dated 04.11.2025 clarified that any election to the post of Pramukh of Banjariya Block shall be subject to the final outcome of the writ case.

5. Learned counsel for the petitioner submits that merely because three criminal cases could not be listed in the nomination form due to paucity of physical space in the concerned column, the same cannot be a ground for declaring the election of the petitioner void, as there was no willful concealment or fraudulent intent (*mens rea*) and the petitioner had immediately submitted a formal supplementary application/letter dated 01.11.2021 (Exhibit B) to the Returning Officer bearing an official receiving stamp, disclosing the remaining three cases with a specific request to treat the same as part of his nomination form at the time of scrutiny, and no objection was raised by the Respondent No.3 before the Returning Officer at the time of scrutiny.

6. Learned counsel heavily relies on the judgments of

WEB COPY

the Hon'ble Supreme Court in ***Jyoti Basu v. Devi Ghosal*, (1982) 1 SCC 691** and ***Mangani Lal Mandal v. Bishundeo Bhandari*, (2012) 3 SCC 314**, to contend that an election dispute is a strict statutory proceeding unknown to common law or equity; that the Election Tribunal erred in law by treating the non-disclosure of pending criminal cases as an automatic corrupt practice without proof of fraudulent intent (*mens rea*) when the partial disclosure of four other cases negated any intent to deceive; and that under Section 139(1)(d) of the Bihar Panchayat Raj Act, 2006, it was mandatory for the election petitioner to specifically plead and prove that the result of the election was materially affected by such non-disclosure or improper acceptance of nomination, in the absence of which the election petition disclosed no cause of action and ought to have been rejected at the threshold under Order VII Rule 11 of the Code of Civil Procedure.

7. Learned counsel further submits that the suppressed criminal cases were in the nomination form for the base post of Panchayat Samiti Member (Constituency No. 12), whereas the Tribunal annulled his indirect election as Block Pramukh; that the Respondent No. 3 was elected from Ajgari Gram Panchayat (Constituency No. 13) and was neither a voter

WEB COPY

nor a candidate in Siswa East Gram Panchayat (Constituency No. 12) and thus had no *locus standi* to file the election petition; that the election petition was hit by the defect of nonjoinder of necessary parties under Section 137(2) of the Act read with Rule 106(2) of the Bihar Panchayat Election Rules, 2006, as the other three contesting candidates of Constituency No. 12 were not impleaded; and that the election petition was barred by the 30-day period of limitation prescribed under Rule 106(1) of the Rules, having been filed on 15.02.2022 against the result declared on 10.12.2021.

8. *Per contra*, the learned counsel appearing on behalf of the Respondent/State as well as the Respondent No. 3 have vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner by playing fraud got his nomination paper accepted by deliberately suppressing three heinous criminal prosecutions in which cognizance had already been taken more than six months prior to nomination, including Sugauli (Rail) P.S. Case No. 20/2010 under Section 307 of the IPC and Sections 3/4 of the Explosive Substances Act, Complaint Case No.1707/2016 under Sections 420, 406 IPC and Section 138 NI Act, and Complaint Case No. 26/2011 under the IPC and Section 27 of the Arms Act.

WEB COPY

Furthermore, in the nomination form, the petitioner did not merely omit the cases, but committed affirmative perjury on oath by declaring that he had never been remanded to custody, whereas Exhibit 1/B conclusively proved that in Sugauli (Rail) P.S. Case No. 20/2010, he was declared an absconder, surrendered after proclamation process under Section 83 Cr.P.C., had his bail bond cancelled on 24.08.2018 before being granted bail again on 10.09.2018, and had charges framed against him on 27.09.2018.

9. Learned counsel submits that the purported unsworn letter dated 01.11.2021 was never pleaded by the petitioner in his Written Statement and also not mentioned by the official respondents in their Written Statement or corroborated by the Returning Officer during his testimony and cross examination, and therefore it is barred from consideration under Order VI Rule 16 and Order VIII Rule 2 of the Code of Civil Procedure.

10. Placing reliance on ***Krishnamoorthy v. Sivakumar*, (2015) 3 SCC 467 (Paragraphs 65 and 86)**, and ***Mairembam Prithviraj v. Pukhrem Sharatchandra Singh*, (2017) 2 SCC 487 (Paragraphs 21 to 26)**, as well as the judgment of this Court in ***Santosh Kumar Singh v. State of***

WEB COPY

***Bihar*, 2018 (2) PLJR 1**, learned counsel submits that concealing serious criminal antecedents constitutes undue influence and a corrupt practice under Section 139(1)(b) read with Section 141 of the Act, which voids the election and does not require separate pleading or proof of material effect. No other candidates were required to be joined under Section 137(2) of the Act and Rule 106(2) of the Rules since no declaration to be elected was claimed; and that the petition filed on 15.02.2022 was well within the extended limitation period excluded from 15.03.2020 to 28.02.2022 by the Hon'ble Supreme Court, and condoned on 18.02.2022 without any challenge. Therefore, the judgment passed by the learned Election Tribunal does not suffer from any infirmity and the Respondents have prayed this Hon'ble Court to dismiss the present writ petition.

11. Admittedly in the present case, the petitioner was an accused in three active criminal prosecutions punishable with imprisonment for more than six months in which cognizance had already been taken by competent courts of law more than six months prior to the filing of his nomination paper on 30.10.2021, namely:(1) Sugauli (Rail) P.S. Case No. 20/2010 dated 02.06.2010, registered under Section 307 of the IPC and

WEB COPY

Sections 3/4 of the Explosive Substances Act, 1908, in which cognizance was taken on 14.02.2013 and charges were framed on 27.09.2018; (2) Complaint Case No. 1707/2016, filed on 29.08.2016 in which cognizance was taken under Sections 420 and 406 of the IPC and Section 138 of the Negotiable Instruments Act and a Non-Bailable Warrant was issued on 08.10.2018; and (3) Complaint Case No. C-26/2011 in which cognizance was taken under Sections 406, 420, 452, 379, 380, 311, and 387/34 of the IPC and Section 27 of the Arms Act. This fact has not been denied by the petitioner anywhere in his Written Statement or writ application. Whenever an application or nomination form with a statutory affidavit is filled by any candidate, they are legally bound to fill the true, complete, and correct information in the said affidavit. In this case, a perusal of the nomination form and statutory affidavit filed by the petitioner under Section 125-A(1) of the Bihar Panchayat Raj Act, 2006, reveals that the petitioner disclosed only four pending cases and completely suppressed the aforesaid three grave criminal cases.

12. Furthermore, the petitioner did not merely omit these three cases; in his nomination form, he made an affirmative false statement on oath that he had never been

WEB COPY

remanded to custody, which admittedly is a false statement when the certified copy of the order sheets in Sugauli (Rail) P.S. Case No. 20/2010 (Exhibit 1/B) proves that the petitioner was declared an absconder, surrendered before the trial court on 28.09.2012 after proclamation process under Section 83 Cr.P.C., and released on bail on 31.05.2013.The petitioner's defense that due to lack of physical space in the nomination form he subsequently submitted a supplementary letter dated 01.11.2021 to the Returning Officer disclosing the three pending criminal cases, and therefore did not conceal them, cannot be accepted on three independent grounds. Firstly, a review of the record shows a complete absence of pleadings, the petitioner never mentioned or pleaded the submission of this letter dated 01.11.2021 in his Written Statement filed before the Election Tribunal. It is a settled rule of law that a court cannot look into any fact or evidence that was never stated in the pleadings. Hon'ble Supreme Court in ***Udhav Singh v. Madhav Rao Scindia*****, (1977) 1 SCC 511** held as under:-

> *"**para 41-** "Failure to plead even a single material fact leads to an incomplete cause of action and incomplete allegations of such a charge are liable to be struck off under Order 6, Rule 16, Code of Civil Procedure",*
>
> ***para 24-** "Rule 2 of Order 8 of the Code of Civil Procedure is a rule of practice and convenience and justice... It says: 'The defendant*

WEB COPY

must raise by his pleading all matters which show the suit not to be maintainable, or that the transaction is either void or voidable in point of law, and all such grounds of defence as, if not raised would be likely to take the opposite party by surprise or would raise issues of fact not arising out of the plaint, as for instance fraud, limitation, release, payment, performance, or facts showing illegality'". Similarly, in ***Bachhaj Nahar v. Nilima Mandal, (2008) 17 SCC 491*** *the Hon'ble Supreme Court reiterated in*

para 10- *"The rules breached are: (i) No amount of evidence can be looked into, upon a plea which was never put forward in the pleadings. A question which did arise from the pleadings and which was not the subject-matter of an issue, cannot be decided by the court. (ii) A court cannot make out a case not pleaded. The court should confine its decision to the question raised in pleadings. Nor can it grant a relief which is not claimed and which does not flow from the facts and the cause of action alleged in the plaint. (iii) A factual issue cannot be raised or considered for the first time in a second appeal". The Hon'ble Supreme Court further held in*

Para 13-*"When the facts necessary to make out a particular claim, or to seek a particular relief, are not found in the plaint, the court cannot focus the attention of the parties, or its own attention on that claim or relief, by framing an appropriate issue. As a result the defendant does not get an opportunity to place the facts and contentions necessary to repudiate or challenge such a claim or relief... The question before a court is not whether there is some material on the basis of which some relief can be granted. The question is whether any relief can be granted, when the defendant had no opportunity to show that the relief proposed by the court could not be granted. When there is no prayer for a particular relief and no pleadings to support such a relief, and when the defendant has no opportunity to resist or oppose such a relief, if the court considers and grants such a relief, it will lead to miscarriage of justice. Thus it is said that no amount of evidence, on a plea that is not put*

WEB COPY

forward in the pleadings, can be looked into to grant any relief",

para 23-*"It is fundamental that in a civil suit, relief to be granted can be only with reference to the prayers made in the pleadings"..."*

13. Secondly, even if such a letter existed, for its legal validity under the Bihar Panchayat Raj Act, 2006, it must come with a sworn affidavit. Section 125-A(1) of the Bihar Panchayat Raj Act, 2006, strictly mandates that every candidate must furnish details of their criminal antecedents, including pending cases where cognizance has been taken, on a sworn, notarized affidavit, and Section 125-A(3) of the Act provides criminal punishment (imprisonment up to one year or fine, or both) for any candidate who conceals information or gives false details on that affidavit. A statutory affidavit carries the sanctity of an oath and creates direct criminal liability, whereas an unsworn letter carries neither, and a candidate cannot cure, substitute, or modify a sworn statutory defect by simply handing an unsworn letter to an election official.

14. Thirdly, the claim of having submitted the letter dated 01.11.2021 is also unproven on facts, as the Returning Officer was examined as a witness in the trial court and, in his testimony and cross-examination, did not corroborate or affirm

WEB COPY

that he ever received this letter on the next date after the filing of the nomination form.

15. Under Indian election law, the concealment of pending criminal cases in the statutory nomination affidavit is a grave violation. In ***Union of India v. Association for Democratic Reforms*****, (2002) 5 SCC 294**, the Hon'ble Supreme Court held as under:-

> ***para 22-"****Voter has to decide whether he should cast vote in favour of a candidate who is involved in a criminal case. For maintaining purity of elections and a healthy democracy, voters are required to be educated and well informed about the contesting candidates".*

16. In ***People's Union for Civil Liberties (PUCL) v. Union of India*****, (2003) 4 SCC 399**, the Hon'ble Supreme Court held in

> ***para 123(6)-****"The right to information provided for by Parliament under Section 33-A in regard to the pending criminal cases and past involvement in such cases is reasonably adequate to safeguard the right to information vested in the voter/citizen. However, there is no good reason for excluding the pending cases in which cognizance has been taken by the Court from the ambit of disclosure", and further observed in*
>
> ***Para 94-"****...The character, strength and weakness of the candidate is widely debated. Nothing is therefore more important for sustenance of democratic polity than the voter making an intelligent and rational choice of his or her representative. For this, the voter should be in a position to effectively formulate his/her opinion and to ultimately express that opinion through ballot by casting the vote... The voter/citizen should have at*

WEB COPY

> *least the basic information about the contesting candidate, such as his involvement in serious criminal offences. To scuttle the flow of information relevant and essential would affect the electorate's ability to evaluate the candidate...".*

17. In ***Krishnamoorthy v. Sivakumar*, (2015) 3 SCC 467**, the Hon'ble Supreme Court ruled that keeping voters in the dark by concealing criminal antecedents in the nomination affidavit amounts to "undue influence" and interferes with the free exercise of electoral rights, which constitutes a corrupt practice under the Bihar Panchayat Raj Act, 2006, distinguishing between acts of agents versus acts of the candidate themselves and holding in

> ***Para 65-****"If the corrupt practice, as envisaged under Section 100(1)(b) is established, the election has to be declared void. No other condition is attached to it". This Court in* ***Santosh Kumar Singh v. State of Bihar, 2018 (2) PLJR 1*** *held in*
>
> ***para 28-*** *"In all fairness, learned Counsel for the appellant does not dispute the proposition of law that if a candidate, seeking election under the Bihar Panchayat Raj Act, 2006, does not furnish necessary information as required under Section 125-A, the same would amount to undue influence and the election can be declared void under Section 139 of the Bihar Panchayat Raj Act".*

18. The reliance placed by the learned counsel for the petitioner on ***Jyoti Basu v. Devi Ghosal*, (1982) 1 SCC 691** and

WEB COPY

***Mangani Lal Mandal v. Bishundeo Bhandari*, (2012) 3 SCC 314**, is entirely misplaced. While *Jyoti Basu* establishes that an election dispute is a strict statutory proceeding unknown to common law where principles of equity do not apply, one of the essentials of election law is also to safeguard the purity of the election process and ensure that people do not get elected by flagrant breaches of law or by corrupt practices; since the Bihar Panchayat Raj Act, 2006, explicitly incorporates the mandatory requirement of full disclosure in Section 125-A and penalizes corrupt practice under Section 139(1)(b), enforcing these statutory provisions strictly adheres to the statutory mandate. *Mangani Lal Mandal* pertained to the non-disclosure of assets and liabilities concerning a candidate's first wife and dependent children governed strictly by the procedural non-compliance provision of Section 100(1)(d)(iv) of the Representation of the People Act, 1951. The requirement to plead and prove that the result of an election was materially affected applies strictly to cases governed solely by Section 139(1)(d) (improper acceptance of nomination), whereas in the present case, the concealment of serious criminal cases was adjudicated as a Corrupt Practice (undue influence) under Section 139(1)(b) read with Section 141 of the Bihar Panchayat Raj Act, 2006.

WEB COPY

19. Unlike Section 139(1)(d), a finding of corrupt practice under Section 139(1)(b) does not require separate pleading or proof that the result was materially affected; the commission of the corrupt practice itself voids the election as a matter of law. Even if viewed under Section 139(1)(d), the Hon'ble Supreme Court in ***Resurgence India v. Election Commission of India*, (2014) 14 SCC 189** held as under:-

> ***Para 28-****"In succinct, if the Election Commission accepts the nomination papers in spite of blank particulars in the affidavits, it will directly violate the fundamental right of the citizen to know the criminal antecedents... Therefore, accepting affidavit with blank particulars from the candidate will rescind the verdict...".*

20. Similarly, in ***Mairembam Prithviraj v. Pukhrem Sharatchandra Singh*, (2017) 2 SCC 487**, quoting ***Kisan Shankar Kathore v. Arun Dattatray Sawant***, Hon’ble Apex Court held in

> ***Para 25*** *that "Once it is found that it was a case of improper acceptance, as there was misinformation or suppression of material information... the effect would be same, namely, such a candidate was not entitled to contest and the election is void", and further holding in*
>
> ***Para 26-****"If the returned candidate's nomination is declared to have been improperly accepted it would mean that he could not have contested the election and that the result of the election of the returned candidate was materially affected need not be proved further... There is no requirement to prove that the result of the election of the returned candidate is materially affected once*

WEB COPY

his nomination is declared to have been improperly accepted".

21. The remaining technical objections raised by the petitioner are also devoid of merit. Firstly, there is no law which bars an election petition from being filed merely on the ground that no objection was raised before the Returning Officer at the time of scrutiny of nominations, as improper acceptance of a nomination paper due to suppression of criminal antecedents discovered subsequently upon obtaining certified copies is a statutory ground for an election petition under Section 139 of the Act. Secondly, regarding *locus standi* and the petitioner's argument that the suppressed criminal cases were in the nomination form for the base post of Panchayat Samiti Member whereas the election tribunal annulled his indirect election as Block Pramukh, Article 243-O of the Constitution of India and Section 137 of the Bihar Panchayat Raj Act, 2006, do not contain any restriction akin to Section 81 of the Representation of the People Act, 1951, confining the filing of an election petition only to a voter or contesting candidate of that particular base territorial constituency. Under Sections 34, 36(1)(a), 36(2), and 40 of the Bihar Panchayat Raj Act, 2006, directly elected Panchayat Samiti Members from their respective territorial constituencies form the electoral college to elect two members

WEB COPY

from amongst themselves as Pramukh and Up-Pramukh, and only a validly elected Panchayat Samiti Member is eligible to contest and hold the office of Block Pramukh. Both the petitioner and the Respondent No. 3 directly contested against each other for the post of Block Pramukh, giving the Respondent No. 3 a direct locus to challenge the petitioner's election—an issue which was already adjudicated against the petitioner by the Election Tribunal vide order dated 28.08.2024 rejecting his Order VII Rule 11 application. Under the settled legal doctrine of *Sublato Fundamento Cadit Opus* (when the foundation is removed, the superstructure falls), once the petitioner's foundational base nomination and election as a Panchayat Samiti Member is vitiated by fraud and corrupt practice, his subsequent indirect election to the executive chair of Block Pramukh automatically collapses, as a candidate cannot build a valid executive office on an illegal electoral foundation. Thirdly, there was no defect of non-joinder of parties, as under Section 137(2) of the Bihar Panchayat Raj Act, 2006, read with Rule 106(2)(a) and (b) of the Bihar Panchayat Election Rules, 2006, an election petitioner is required to make all contesting candidates parties only if they claim a further declaration that they themselves or any other candidate be

WEB COPY

declared duly elected, which was not claimed by the Respondent No. 3 in the present case. Fourthly, the election petition was not barred by the 30-day period of limitation under Rule 106(1) of the Rules, as the elections were held in December 2021 during the COVID-19 pandemic and, under the binding order of the Hon'ble Supreme Court the entire period from 15.03.2020 till 28.02.2022 stood excluded for the purposes of limitation across all judicial and quasi-judicial proceedings under any general or special laws in India, and the Election Tribunal had also condoned the delay. By hiding three active criminal cases and making a false statement on oath in his statutory nomination affidavit in clear violation of Section 125-A of the Bihar Panchayat Raj Act, 2006, the petitioner filed a defective and illegal nomination depriving voters of their fundamental right to know his true background, which amounts to playing fraud and committing a corrupt practice, and the Election Tribunal rightly declared his election void on this solitary ground alone.

22. Having regard to the same, this Court does not find any merit in the present writ petition which warrants any interference with the well reasoned judgment and order passed by the learned Election Tribunal dated 31.07.2025 and the consequential order dated 08.08.2025.

WEB COPY

23. The present writ petition is accordingly dismissed.

24. Registry is directed to return the LCR to the concerned authority.

25. All pending interlocutory applications stand disposed of.

(A. Abhishek Reddy, J)

Ayush/-

U			

WEB COPY