

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.138 of 2026**

Chandan Kumar Upadhayay Son of Baijnath Upadhaya, Resident of Village and Post Office- Balua, Police Station- Krishnagadh, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Election Commission of India, through Under Secretary, Nirvachan Sadan, Ashoka Road, New Delhi.
3. The Election Commission of Bihar, through Under Secretary, Patna, Bihar.
4. District Election Officer cum District Magistrate, Rohtas.
5. Dy. Election Officer, Rohtas.
6. Assistant Election Officer cum DCLR, Bikram, Rohtas.
7. District Programme Officer, Establishment, (Sasaram) Rohtas.
8. The Secretary, Education Department, Govt. of Bihar, Patna.
9. The District Education Officer, Sasaram, Rohtas.
10. The Principal, Sarwoday plus 2 High School, At and P.O.- Nokha, District- Sasaram, Rohtas.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s             | : | Mr. Dr. Harendra Nath Ojha, Advocate |
| For the Respondent/s             | : | Mr.Addl. Advocate General (07)       |
| For Election Commission of India | : | Mr. Siddhartha Prasad, Advocate      |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL ORDER**

2      08-01-2026                      Heard learned counsel for the petitioner, learned counsel appearing on behalf of the respondent-State and learned counsel appearing on behalf of the Election Commission.

2. With consent of the parties, the present writ application is being disposed of at this stage itself.

3. The petitioner has prayed for grant of following relief :-



*“1. To issue an appropriate writ, order and direction to the respondent authorities for paying salary regularly to Baijnath Upadhaya, Peon, Sarvodaya +2 High Shool, Nokha, who had got heat stroke, fainted and fell down on road at Natwar and Hospitalize in Bikramganj Sub Divisional Hospital which was later on converted into paralysis) during his duty period in Lok Sabha election 2024 since 30<sup>th</sup> May, 2024 and then continuous on bed under Doctor’s treatment and unable to talk properly.*

*(ii) To issue an appropriate writ, order and direction to the respondent authorities for proper treatment of the said Baijnath Upadhaya on Govt. cost as a Govt. employee who had suffer from Paralytic attack during his duty period in Lok Sabha election 2024 since 30<sup>th</sup> May, 2024.*

*(iii) To issue an appropriate writ, order and direction to the respondent state authorities for ex. Gratia grant / Medical expense reimbursement/compensation or other relief etc. If any to the said Baijnath Upadhaya, and / or his family who had has spent huge amount of money and suffer pain during his treatment in this regard.”*

4. After advancing some arguments, learned counsel for the petitioner submits that for the aforesaid relief claimed in the present writ application, the petitioner is ready to file a detail representation before the District Education Officer, Sasaram, Rohtas and accordingly, submits that appropriate direction be issued to the aforesaid District Education Officer, Sasaram, Rohtas to dispose of the said representation on merit within a fixed time frame after giving an opportunity of hearing to the petitioner.

5. To the aforesaid submissions made by learned



counsel for the petitioner, learned counsel appearing for respondent-State as well as learned counsel for the Election Commission do not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of granting liberty to the petitioner to file a fresh representation before the District Education Officer, Sasaram, Rohtas within one month from the date of passing of this order. If such a representation is filed, District Education Officer, Sasaram, Rohtas, is directed to dispose of the said representation on merit within a further period of four months from the date of filing of the representation after giving an opportunity of hearing to the petitioner.

7. Needless to emphasis that the final order which shall be passed by the District Education Officer, Sasaram, Rohtas, shall be a reasoned and speaking order. While disposing of the representation of the petitioner, the District Education Officer, Sasaram, Rohtas shall take notice of the communication dated 15.01.2025 issued by the District Magistrate, Rohtas (Annexure-P-14).

8. It is made clear that if the petitioner is found entitled to the relief as claimed in the representation, the same



should be extended to the petitioner within a further period of three months from the date of passing of the final order.

9. With the aforesaid observation/direction and liberty granted, the present writ application stands disposed of.

10. All pending I.A.s, if any, is deemed to have been disposed of.

**(Alok Kumar Sinha, J)**

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