

(2019) 11 PAT CK 0135

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 23269 Of 2019

Archana Devi

APPELLANT

Vs

State Of Bihar Through The Principal Secretary And Ors

RESPONDENT

Date of Decision : 26-11-2019

Acts Referred:

Citation : (2019) 11 PAT CK 0135

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Manoj Kumar, Raj Narayan Mishra, Uday Shankar Saran Singh,
Mukesh Kumar

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner; learned GP 19 for the State and learned counsel for the Bihar State Election Authority.

2. The petitioner has moved the Court for the following reliefs:

" That the present writ petition is being filed for issuance of appropriate writ/writs, order/orders, direction/directions to the Respondents to pass appropriate order according with law as per rule of Bihar State Election Commission which has not been followed by the Authority Concerned made a fresh list by District Co-operative Officer without signature of President of P.A.C.S. on 22.10.2019, "it's crystal clear from the letter dated 09.10.2019 vide Letter No. 1574,6(1), the signature of President is required each and every Page in the list" from Serial 1902 to 2198, it is illegal and bad in the eye of law and it is fit to be set aside because the said list has been prepared by District Co-operative Officer after submission of final list on 21.10.2019, After submission of Final list under the signature of President of P.A.C.S. and District Co-operative Officer, Lakhisarai, The date of Nomination has been fixed on 28.11.2019 and last date of Nomination is 30.11.2019."

as per the above fact Your Lordship may pass appropriate order and direction

may be given to the Authority concerned to take appropriate steps and during the pendency of present writ petition the list dated 22.10.2019 may stay."

3. Learned counsel for the State brought to the notice of the Court order dated 18.11.2019 passed in CWJC No. 22149 of 2019 by which a Division Bench of this Court has refused to entertain similar plea by Gajendra Singh (petitioner of the aforesaid writ petition). The writ petition was disposed off giving liberty to the petitioner to raise all issues before the concerned authorities, in accordance with law. The Division Bench has also relied upon similar order dated 10.08.2009 passed in LPA No. 1028 of 2009.

4. It is not in dispute that the election has been notified on 31st October, 2019.

5. Faced with the situation, learned counsel for the petitioner submitted that the matter be disposed off in terms of the liberty given by the Division Bench in CWJC No. 22149 of 2019.

6. In view thereof, the writ petition stands disposed off with liberty aforesaid.