

(2025) 12 PAT CK 1244

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.20038 Of 2025

Chandra Shekhar

APPELLANT

Vs

Secretary

RESPONDENT

Date of Decision : 15-12-2025

Acts Referred:

Citation : (2025) 12 PAT CK 1244

Hon'ble Judges : Harish Kumar, J

Bench : Single Bench

Advocate : Gautam Shah, Dhurjati Kumar Prasad, Mukesh Kumar Thakur

Final Decision : Dismissed

Judgement

Harish Kumar, J

1. Heard Mr. Gautam Shah, learned Advocate for the petitioner, Mr. Mukesh Kumar Thakur, learned Advocate for the Bihar State Election Authority and Mr. Dhurjati Kumar Prasad, learned GP-14.

2. The petitioner is claiming to be a candidate for the post of Chairman in PACS Election, Shankardih, which is scheduled to be held tomorrow, on 16th of December, 2025. Invoking the jurisdiction of this Court, the petitioner sought a direction to restrain the holding of election, until the correction process of voters' lists for the PACS, Pilichh and Shankardih is completed on the ground that names of various persons, who are the voters in the voters list of PACS, Pilichh is also maintaining in the voters' list of Shankardih, PACS and thus, there is every possibility of serious malpractices in the election.

3. Learned Advocate for the petitioner contends that with respect to the irregularities in the voters list of both Pilichh and Shankardih, PACS where the name of various voters were reflected in the voter list of both the PACS and some of the dead persons were also been mentioned, therein, a complaint was filed before the Bihar State Election Authority and the contention of the

complainant was found true. The authority having gone through the materials came to the position that 47 dead persons were found inserted in the voters list and names of as 813 persons as PACS voters were found in both the aforementioned PACS and thus, certain directions have been issued, including the direction to make necessary correction in the voters lists and take appropriate action against the District Co-operative Officer before notifying the election.

4. Notwithstanding the aforesaid facts and despite having found serious irregularities in the preparation of voters list, instead of making necessary correction, the respondent State Election Authority proceeded further and came out with the Notification No. 2981 dated 11.11.2025, fixing the date of election. At one hand, the irregularity has been admitted in the voter list, on the other hand, they are proceeding for conducting election and thus, there is every chance that no fair election would be conducted.

5. Mr. Thakur, learned Advocate for the Bihar State Election Authority made a preliminary objection that the entire procedure, including nomination, scrutiny and withdrawal of name of candidature have already been completed, after issuance of the notification dated 11.11.2025. Now, tomorrow i.e. on 16.12.2025, is the date fixed for election and, as such, the Court should not interfere in the election as the petitioner is not remedy-less after the election. If the petitioner would have any grievance with the result of the election, he may file an election petition. It is further contended that the petitioner is espousing the cause of such voters, who is said to have been suffering on account of alleged irregularities noticed by the State Election Authority vide its order contained in Memo No. 2735 dated 24.09.2025, but none of them have joined the writ petition.

6. To support the aforesaid contention, reliance has also been placed on a Apex Court decision rendered in the case of Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Anr. Vs. State of Maharashtra and Ors., (2001) 8 SCC 509, where the Court has categorically held as follows:-

?12. In view of our finding that preparation of the electoral roll being an intermediate stage in the process of election of the Managing Committee of a specified society and the election process having been set in motion, it is well settled that the High Court should not stay the continuation of the election process even though there may be some alleged illegality or breach of rules while preparing the electoral roll. It is not disputed that the election in question has already been held and the result thereof has been stayed by an order of this Court, and once the result of the election is declared, it would be open to the appellants to challenge the election of the returned candidate, if aggrieved, by means of an election petition before the Election Tribunal.?

7. It is further contended that a co-ordinate Bench of this Court in CWJC No. 20 of 2023, taking note of the aforementioned decision and the fact that the petitioner is

espousing the cause of various voters, whose names were not included in the voter list of the society, dismissed the writ petition by holding that writ petition to quash election schedule on grounds of illegality in preparation of electoral roll is not maintainable, such challenge can be raised in election petition.

8. Mr. Dhurjati Kumar Prasad, learned GP-14 taking this Court through the order passed by the State Election Authority submitted that there was a direction for preparation of a fresh voter list and in pursuant, thereto, a fresh voter list has been prepared and finally published on 20.04.2025. Before publication of the voter list, the draft publication was made and at no point of time as has been instructed, the petitioner has filed any objection. Moreover, once the final publication has been done in the light of the order passed by the State Election Authority, the cause of action does not survive with the petitioner.

9. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the mandate of the Apex Court as well as the fact that in pursuance of the order passed by the State Election Authority, final publication of voter list has been made on 24.10.2025, as is manifest from the Notification No. 2981 dated 11.11.2025, albeit the petitioner has not filed any objection either at the time of draft publication of the voter list or after final publication of the same. The election having been duly notified and all the pre requisite procedures having been completed and none of the voters of either of PACS has joined the petitioner in espousing the cause of alleged irregularity, this Court does not find any reason or occasion to interfere in the writ petition. Accordingly, the writ petition stands dismissed.