
(2001) 03 PAT CK 0070
In the Patna High Court
Case No : C.W.J.C. No. 3121 of 2001

Chaturanan Yadav

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 16-03-2001

Acts Referred:

Bihar Panchayat Raj Act, 1993 — Section 140

Citation : (2001) 2 PLJR 272

Hon'ble Judges : Aftab Alam, J

Bench : Single Bench

Judgement

Aftab Alam, J.—Heard Mr. Yogesh Chandra Verma in support of this petition. The petitioner in this case is aggrieved by the rejection of his nomination papers for being elected, in the coming Panchayat elections, as Mukhiya of Peirgaha Gram Panchayat falling within Jhajha Block in the district of Jamui.

2. It may be noted here that a large number of cases are coming to this court in which similar grievances are made regarding rejection of nomination papers filed for the coming panchayat elections. It is stated on behalf of the respective petitioners that their nomination papers were rejected either on non-est grounds or on grounds which are quite trivial and insignificant and are to be disregarded in terms of Rules 43(2) of the Panchayat Election Rules, 1995.

3. Panchayat elections are going to be held in this State on April 11, 15, 19, 23 and 30, 2001. There is, therefore, no sufficient time to verify the reason(s) for the rejection of the nomination in each case. Even assuming that the reason being stated on behalf of the petitioner was truly the reason for the rejection of nomination papers and further even assuming that the Returning Officer was in error in rejecting the nomination for that reason. I am not inclined to make any positive order for restoration of nomination papers at this stage. This is because such an order will require preparation and printing of ballot papers afresh and this court is not certain if that would be possible in the little time now left for holding elections.

4. Having regard to the overall facts and circumstances and further with a view to ensure that the elections are held on schedule dates this court is not inclined to interfere in matters of rejection of nomination papers but would direct that in all such cases that aggrieved person may place his grievances before the concerned District Electoral Officer. If the District Electoral Officer is satisfied that the nomination of the aggrieved person was rejected unjustifiably and further in case he is positive and quite certain that the ballot papers, after the inclusion of the person aggrieved, among the contesting candidates, can be arranged before the date of the election, he may direct the Returning Officer to restore the nomination paper.

5. Otherwise the aggrieved person will be left to raise his objection(s), if he is so advised, after the elections are over by filing an election petition as provided u/s 140 of the Bihar Panchayat Raj Act, 1993.

6. This disposes of this writ petition. Let a copy of this order be given to the learned counsel appearing for the State Election Commission for onward communication.