

(2019) 12 PAT CK 0065

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 23821 Of 2019

Uttam Kumar Arya

APPELLANT

Vs

State Of Bihar Through The Principal Secretary And Ors

RESPONDENT

Date of Decision : 02-12-2019

Acts Referred:

Citation : (2019) 12 PAT CK 0065

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Amrendra Kumar, Dinesh Maharaj

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned AC to AAG 11 of the State.

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

"That, by this writ application. The petitioner carves indulgence of this Hon'ble court for issuance of appropriate writ/director/order to the respondents to include the name of petitioner in the 2019 PACS voter list of Matia Panchayat, Under Block Laxmipur in District Jamui, which has been illegally prepared by the respondents without including the online application for membership."

3. At the very outset, learned counsel for the State raised a preliminary objection and submitted that the grievance of the petitioner is of non-inclusion in the voter list of Matia PACS under Block Laxmipur in the district of Jamui despite them having applied online before the notified cut-off date 30.06.2019. It was further submitted that the petitioner is already a member of the said PACS and is not one of the 506 so called persons whose names have not been included in the voter list of the concerned PACS.

4. Learned counsel for the petitioner submitted that though he is a member, it is also his duty to ensure that persons who had applied for membership and who

were required under law to be made members are not deprived of the same due to connivance of vested interests. It was submitted that though the matter has been taken before the Competent Authority but no order is being passed. Learned counsel submitted that the Court would keep in mind that in democratic institutions where the will of the majority should be reflected in any election, the ousting of persons at the very threshold by not including their names in the voter list is a fraud on the democratic institutions and, thus, the Court would take a larger view to check such blatant fraud being played by the persons concerned.

5. Having regard to the aforesaid and taking into note the order passed by the Division Bench in Gajendra Singh Vs. State of Bihar & Ors. (CJWC No. 22149 of 2019) in which similar relief was prayed for, but on account of election having been notified on 31st October, 2019, which is also the case in the present matter, the writ petition was disposed off giving liberty to the petitioner to move before the authorities concerned, the present matter is also disposed off in terms of liberty given in order dated 18.11.2019 in Gajendra Singh (supra). It is further observed that the matter which is pending before the authorities concerned shall be disposed off in terms of Letter No. 1841 dated 16.11.2019 issued by the State Election Authority relating to the time period before which such objection has to be disposed off.