

Patna High Court - Orders

Shagufta Tararannum vs The State Of Bihar & Ors on 17 June, 2013

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2 of 2013

In

Civil Writ Jurisdiction Case No. 1324 of 2012

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Shagufta Tararannum W/O Md. Parwez R/O Village- Sahebpur Kamal
(West), Police Station & P.O.- Sahebpur Kamal, District- Begusarai
..... Petitioner -

Versus

1. The State of Bihar through Its State Election Commission
2. The State Election Commissioner, Bihar, Patna
3. The Deputy Secretary, State Election Commission, Bihar, Patna
4. The District Magistrate, Begusarai
5. The Block Development Officer, Sahebpur Kamal, District- Begusarai
6. Neelam Devi W/O Anil Kumar R/O Village- Sahebpur Kamal (West),
P.S. - Sahebpur Kamal, District- Begusarai
7. Zeenat Parveen W/O Md. Monimuddin R/O Village- Sahebpur Kamal
(West), P.S.- Sahebpur Kamal, District- Begusarai
..... Respondents - Respondents.

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Appearance:

For the Appellant/s : Mr. Anamul Haque, Advocate.

For the Respondent/s :
Mr. Amit Shrivastava and
Mr. Girish Pandey, Advocates.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE) 2 17-06-2013 Feeling aggrieved by the order dated 24th September 2012 made by the learned single Judge in CWJC No. 1324 of 2012, the writ petitioner has preferred this Appeal under Clause 10 of the Letters Patent.

The appellant is an elected Mukhiya of Gram Panchayat - Sahebpur Kamal (West), District - Begusarai. Her election has been questioned on the ground that on the date of her nomination she being less than 21 years of age, she was not qualified to contest the election. The State Election Commission, Bihar has, on 2nd December 2011, issued notice upon the appellant to show cause why she should not be disqualified as envisaged by Section 136(1)(b) and 136(2) of the Bihar Panchayat Raj Act, 2006. The challenge to the said notice in CWJC No. 1324 of 2012 has failed. Therefore, this Appeal.

The learned single Judge has refused to entertain the Writ Petition against the show cause notice. No case for interference is made out.

Appeal is dismissed in limine.

(R.M. Doshit, CJ) (Ashwani Kumar Singh, J) Dilip.