

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1017 of 2023

In
Civil Writ Jurisdiction Case No.4223 of 2023

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna 800001.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna 800001.
3. The Deputy Secretary, Urban Development and Housing Department, Government of Bihar, Patna 800001.

... .. Appellant/s

Versus

1. Sunil Kumar Son of Shyam Nandan Rai Resident of Paharpur, Police Colony, Saheb Ka Ghar, P.S. Anisabad, District Patna, Bihar Pincode-800002.
2. The Secretary, State Election Commission, Bihar, Sone Bhawan, Veer Chand Patel Marg, Patna 800001.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17053 of 2022

Harinarayan Sharma son of Bachhu Sharma resident of Madho Bihari Lane, Salempur Chapra, P.O. and P.S. Chapra, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Principal Secretary, Backward and Extremely Backward Class Welfare Department, Government of Bihar, Patna.
4. The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
5. The State Election Commissioner, The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
6. The Secretary, The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
7. The Extremely Backward Class Commission, Bihar, Patna-cum-Dedicated Commission through the Chairman.
8. The Chairman, The Extremely Backward Class Commission, Bihar, Patna-cum-Dedicated Commission.
9. The Secretary, The Extremely Backward Class Commission, Bihar, Patna-



cum- Dedicated Commission.

10. Uma Shankar Paswan, Son of Seetaram Paswan Resident of Kalambagh Road, Pankha Toli, P.S.- Kazi Muhammadpur, District- Muzaffarpur. Councilor, ward No.- 25.
11. Kanhaiya Kumar, Son of Bansilal Shah Resident of Mafat Lal Lane, Motijheel, P.S-Town Thana, District Muzaffarpur, Councilor, ward No. 23.
12. Abhimanyu Kumar, Son of Chandrama Singh Chauhan, Resident of Mohalla Majhulia, Near 05 No Gumti, Majhulia, Ward No-10, P.S. Kazi Muhammadpur, District- Muzaffarpur, Councilor Ward No.-10
13. Rajeev Kumar, Son of Rabindra Prasad Ray, Resident of Mohalla-Damuchak in front S.D.O Residence, P.S. Kazi Muhammadpur, District Muzaffarpur. Councilor, Ward No- 28
14. Amit Ranjan, Son of Digvijay Kumar Singh, Resident of Mohalla- East of S.P Kothi, Sikandarpur, Naya Tola, Muzaffarpur, P.S- Nagar Thana, District- Muzaffarpur Councilor, Ward No-14
15. Umesh Kumar Gupta, son of Madan Mohan Prasad, Resident of Mohalla- Ward No-1, Police Line Road, Nathuni Bhagat, Shiv Mandir, Baikunthpuri, M.I.T, P.S- Brahmapura, District- Muzaffarpur Councilor, Ward No-1
16. Rashmi Raut, daughter of Mukarri, chandwara, muzaffarpur, P.S- Mithanpura, District Muzaffarpur. Councilor, Ward No.-16
17. Meera Devi, wife of Ganesh Ram, C/o Dr. Ajay Prasad, Yogiamath (saralyaganj), Opposite Railway Training School Barhanpura, Muzaffarpur, PS Town Thana, District -Muzaffarpur Councilor, Ward No.-11
18. Archana Pandit, wife of Shashi Bhushan Pandit, Resident of Mohalla- Kalibari Road, Teen Pokhariya, Malighat, Muzaffarpur, P.S- Mithanpura, District-Muzaffarpur. Councilor, Ward No-42
19. Sushma Devi, wife of Santosh Kumar, 309, Shanti Sadan, Anandpuri, B.B Ganj, Naunihal Gali, Bhagwanpur, P.S.- Sadar District- Muzaffarpur. Councilor, Ward No-07
20. Rajkumari Devi, wife of Chote Lal Gupta, Khadi Bhandar Chowk, Patel Nagar, Musahri, Muzaffarpur, P.S.- Mithanpura, District- Muzaffarpur. Councilor, Ward No.-47
21. Shobha Devi, wife of Tribhuvan Ray, Resident of Mohalla Motijheel, Ayodhya Prasad Lane, P.S.- Nagar Thana, Muzaffarpur, District- Muzaffarpur. Councilor, Ward No.-24
22. Punita Devi, wife of Rohit Kumar, Resident of Mohalla, 598, Club Road, Ramna, Musahri, Muzaffarpur, P.S.- Mithanpura, District Muzaffarpur. Councilor, Ward No-35
23. Raushan Khatoon, wife of Mohammad Ayub, Resident of Mohalla 139, Road No. 2, Bakshi Colony, Maripur, Muzaffarpur, P.S.-Kazi Muhammadpur, District- Muzaffarpur Councilor, Ward No-8.
24. Ganita Devi, wife of Dipchandra Sahani, Resident of Near Rajnarayan Singh College, Balughat, Braham Asthan, Bhagwanpur, Muzaffarpur, P.S- Town Thana, District- Muzaffarpur Councilor, Ward No-15
25. Mamta Kumari, wife of Sanjeet Kumar, Brahmapur, Daudpur Kothi, M.I.T,



- Muzaffarpur, P.S-Brahmapura, District- Muzaffarpur Councilor, Ward No.-12
26. Mangal Sahni, Son of Chhakauri Sahni, Resident of Mohalla Kanti kasba, Muzaffarpur, P.S- Town Thana, District Muzaffarpur. Councilor, Ward No.-17
 27. Priya Ranjan Singh, Son of Amarnath Singh, Resident of Mohalla Naya Tola, Near Rajkiya Madhya Vidyalaya, Speaker Road, P.S- Kazi Muhammadpur, District- Muzaffarpur. Councilor, Ward No.-26
 28. Enamul Haque, Son of Anwarul Haque, Resident of Power House Chowk, Maripur, P.S.- Kazi Muhammadpur, District Muzaffarpur. Councilor, Ward No.-9
 29. Punam Devi, wife of Bandhu Kumar, Resident of near Sri Ram mandir, Parmanandpur, muzaffarpur, P.S. Town Thana, District Muzaffarpur Councilor, Ward No-19
 30. Sanju Devi, wife of Dheeraj Kumar, Resident of Nai Bazaar, Ali Mirza road, P.S.- Town Thana, District -Muzaffarpur Councilor, Ward No-18
 31. Pinki Kumari, wife of Rajesh Kumar, Resident of Mohalla Sikandarpur, Ghee Centre, Muzaffarpur, P.S.- Nagar Thana, District- Muzaffarpur. Councilor, Ward No-13

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4223 of 2023

Sunil Kumar S/o Shyam Nandan Rai, R/o Paharpur, Police Colony, Saheb Ka Ghar, P.S. Anisabad, District Patna, Bihar Pincode- 800002.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna 800001.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna 800001.
3. The Deputy Secretary, Urban Development and Housing Department, Government of Bihar, Patna 800001.
4. The Secretary, State Election Commission, Bihar, Sone Bhawan, Veer Chand Patel Marg, Patna 800001.
5. Nirmala Devi, Wife of Shivshankar Prasad Sahu, Resident of Ward No. 22, Partitola, Kedarnath Road, Muzaffarpur, Kalyani, Naya Toli, Muzaffarpur. At present Mayor of Muzaffarpur Municipal Corporation, Muzaffarpur.
6. Anita Devi, Wife of Manoj Kumar, Resident of Doctor Colony, Khandakpar, Bihar, Nalanda. At present Mayor of Biharsharif Municipal Corporation, Nalanda.
7. Raunak Jahan Perwez Wife of Md. Arif Hussain, Resident of Mehsaul Got, Rampur Lachmi, District - Sitamarhi. At present Mayor of Sitamarhi Municipal Corporation, Sitamarhi.



8. Lakshmi Devi, Wife of Mukesh Thakur, Resident of Ward No. 23, Ring Bandh, Hospital Road, Sitamarhi, Bhawdepur Sitamarhi. At present Ward Councillor of Ward No. 14, Sitamarhi Municipal Corporation, Sitamarhi.
9. Rani Devi, Wife of Ranjay Kumar, Resident of Mirchaipatti, Chakmahila, Sitamarhi. At present Ward Councillor of Ward No. 09, Sitamarhi Municipal Corporation, Sitamarhi.
10. Mousam Afreen, Wife of Md. Rahmat Ali, Resident of Mela Road, Bhawdepur, Chakmahila, Sitamarhi. At present Ward Councillor of Ward No. 13, Sitamarhi Municipal Corporation, Sitamarhi.
11. Md. Nasim Ansari, Son of Zamir Ansari, Resident of Ward No. 10, village-Rajopati, P.S. - Sitamarhi, Chakmilha, District - Sitamarhi. At present Ward Councillor of Ward No. 32, Sitamarhi Municipal Corporation, Sitamarhi.
12. Geeta Devi, Wife of Pramod Singh, Resident of Chhatauni, P.S. - Chhatauni, District - Sheohar. At present Ward Councillor of Ward No. 12, Sitamarhi Municipal Corporation, Sitamarhi.
13. Lalan Prasad, Son of Stayanarayan Ray, Resident of Yadav Nagar, Dumra, Chakmahila, District - Sitamarhi. At present Ward Councillor of Ward No. 08, Sitamarhi Municipal Corporation, Sitamarhi.
14. Md. Yusuf Ansari, Son of Md. Haidar Ansari, Resident of Aziznagar Ward No. 3, West Punaura, District - Sitamarhi. At present Ward Councillor of Ward No. 5, Sitamarhi Municipal Corporation, Sitamarhi.
15. Amritesh Kumar Mishra, Son of Jagdishwari Prasad Mishra @ Basant, Resident of Main Road, Shankar Chowk, Ward No. 18, Near M.R.D. Girl High School, Sitamarhi, Chakmahila, District - Sitamarhi. At present Ward Councillor of Ward No. 11, Sitamarhi Municipal Corporation, Sitamarhi.
16. Seema Devi, Wife of Dharamjay Kumar Gupta, resident of Village- Wasilpur Ward no. 5, P.S. - Arwal, District - Arwal.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5806 of 2023

1. Prof. Ram Bali Singh S/o Late Ramanand Singh, R/o Vill. Ojha Bigha, P.O. Baidrabad, P.S. Arwal, Dist. Arwal.
2. Kishori Das, S/o Late Bhakhalu Das, R/o Vill. East Lohanipur, Ambedkar Colony, P.S. Kadam Kuan, Patna-800003.
3. Mahendra Kumar s/o Sri Parmeshwar Mahto, East Laxmi Nagar Khemnichak, P.S. Ram Krishna Nagar, Near Jaganpura, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna-800001.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna-800001.



3. The Deputy Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna-800001.
4. The Secretary, State Election Commission, Bihar, Sone Bhawan, Veer Chand Patel Marg, Patna-800001.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1017 of 2023)

For the Appellant/s : Mr. P.K. Shahi, AG
Mr. Vikas Kumar (AC to AG)

For the Respondent/s : Mr. Basant Kumar Choudhary, Sr. Advocate
(In Civil Writ Jurisdiction Case No. 17053 of 2022, CWJC No. 4223 of 2023 & CWJC No. 5806 of 2023)

For the Petitioner/s : Mr. Awnish Kumar, Advocate
Mr. S.V. Mangalam, Advocate
Mr. Rahul Shyam Bhandari, Advocate
Mr. Dhananjay Kashyap, Advocate

For the Respondent/s : Mr. P.K. Shahi, AG
Mr. Vikas Kumar, A.C. to AG
Mr. Abbas Haider (SC-6)
Mr. Wasi Mohammad, AC to SC-6
Mr. Ravish Chandra, A.C. to SC-6

For State Election Commission: Mr. Girish Pandey, Advocate

For the Intervenor : Mr. Y.V. Giri, Sr. Advocate
Mr. Dharmendra Kumar, Advocate
Mr. Anand Kumar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 4223 of 2023)

For the Petitioner/s : Mr. Dayanand Singh, Advocate

For the Respondent/s : Mr. P.K. Shahi, AG

For the respondent no.5

&6 in I.A. No. 1 of 2023 : Mr. Ranjeet Choubey, Advocate

For respondent no. 4 in

I.A. No. 4 of 2023. : Mr. Ranjeet Choubey, Advocate

(In Civil Writ Jurisdiction Case No. 5806 of 2023)

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha (AAG-7)
Mr. Rakesh Ambastha, A.C. to AAG-7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 04-12-2023 The matter was posted before us since this Bench is not regularly sitting and though it was posted on 28.11.2023, for hearing, it did not come up since the regular bench was sitting,



on that date. The Hon'ble Supreme Court had directed disposal within four months of the filing of a fresh writ petition. A fresh writ petition, being C.W.J.C. No. 4223 of 2023, was filed on 03.03.2023 and registered on 21.03.2023. The matter was before the learned Single Judge, and it was heard, but an objection raised by the Advocate General that it should be heard by a Division Bench was rejected. An L.P.A. was filed from the said order, where it was especially pointed out that the remand made by the Hon'ble Supreme Court was from an order of the Division Bench of this Court.

2. Hence, now the matters have been placed before the Division Bench. Division Bench-I is regularly constituted with the Chief Justice and Rajiv Roy, J., who cannot hear the matter since the L.P.A. is from the latter's order rejecting the prayer for posting before the Division Bench.

3. In such circumstances, this Bench constituted for hearing the matter shall hear the matter on the 2nd January, 2024. The Registry shall constitute this Bench to sit regularly from the 2nd January, 2024, till the matter is fully heard.

4. The learned counsel for the writ petitioner also submits that they have no objections in the L.P.A. being allowed where the State has raised the ground that the matter should be



heard by a Division Bench itself.

5. In such circumstances, the L.P.A. is disposed of recording the consent of the party respondents and the writ petitions shall be posted on the 2nd January 2024 for final hearing.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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