

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4365 of 2016

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Mithilesh Das, son of Late Feku Das, Resident of Village- Kolwara, Police Station- Parbatta, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Election Commissioner, State Election Commission, Bihar, Patna.
2. The State Election Commission represented through the Secretary, State Election Commission, Bihar, Sone Bhawan, 3rd Veer Chand Patel Marg, Patna- 800001.
3. The Principal Secretary, Department of Panchayati Raj, Bihar, Patna.
4. The District Magistrate-cum-District Election Officer, Khagaria.
5. The District Panchayati Raj Officer, Khagaria.
6. The Sub-divisional Officer, Gogari-cum- Senior Incharge officer, Parbatta, Khagaria.
7. The Block Development Officer, Parbatta, District- Khagaria.
8. The Block Statistics Supervisor, Parbatta, District- Khagaria.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate

For the Respondent/s : Mr. Purnendu Singh, GP-27

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 29-04-2016 A rather peculiar relief has been claimed by the petitioner who prays for issuance of a writ in the nature of mandamus to command the authorities connected with the Panchayat Election to modify the District Gazette published on 10.8.2015 insofar as it relates to the District of Khagaria and concerns the population of Tanti (Tatwa) caste in village-Kolwara and Rampur @ Rahimpur. The petitioner prays that the error committed in 2011 census insofar as the Scheduled Caste population of the area is concerned be appropriately modified to

include the Tanti (Tatwa) caste in the reserved category population.

I have heard Mr. Ranjan Kumar Singh, learned counsel for the petitioner, learned counsel for the State and learned counsel for the State Election Commission and I have perused the records.

The relief prayed by the petitioner if not misconceived, is definitely ill timed and highly belated. No doubt the Tanti (Tatwa) caste earlier was included under the extremely backward category but under the resolution of the General Administration Department of the Government of Bihar circulated vide Memo No. 9532 dated 01.7.2015, a decision has been taken to shift the Tanti (Tatwa) caste from the category of extremely backward caste and be placed in the category of Scheduled Caste. Perhaps it is the grievance of the petitioner that even after such a decision was taken, it has not been implemented while categorizing the population accordingly and which is rested on the 2011 census which does not take note of these subsequent developments.

In my opinion, the petitioner has woken from a deep slumber to raise an issue which ought to have been raised either on the issuance of the notification of the General Administration Department dated 01.7.2015 or at least before the initiation of the election process. While the petitioner himself prays for

modification of the District Gazette published on 10.8.2015 present at Annexure-2 insofar as the Scheduled Caste population is concerned, he has chosen to raise such issue only on 11.1.2016 i.e. after the election schedule was notified. This Court considering the circumstances where two phase of the Panchayat Election has already taken place, is not persuaded to enter into the merits of the claim at such belated stage. The petitioner, if so advised, may raise his grievance before the appropriate forum at appropriate stage.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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