

Court No. - 39

Case :- WRIT - C No. - 42379 of 2023

Petitioner :- Smt. Kanak Lata Kharwar

Respondent :- State Election Commission And 5 Others

Counsel for Petitioner :- Ashutosh Srivastava, Ritvik Srivastava

Counsel for Respondent :- CSC, Mohammad Waseem

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Heard Mr. Ashutosh Srivastava, learned counsel for the petitioner, Mr. Arimardan Singh Rajpoot, learned Additional Chief Standing Counsel for the State-respondents and Mohd. Waseem, learned counsel for respondent-complainant.

2. At present, the petitioner has been visited with the order dated 8th November, 2023 passed by the District Level Scrutiny Committee (respondent no.2) cancelling her caste certificate.

3. Besides the submission on merits, learned counsel for the petitioner vehemently urged that the above order is wholly ex parte. No notice was issued to the petitioner before passing the said order.

4. While the above submission has been objected to by Mohd. Waseem, learned counsel for respondent-complainant, he would further submit, in any case, the order is appealable.

5. In view of such facts and objection, we find, no useful purpose may be served in entertaining the present writ petition or calling for counter affidavit.

6. Accordingly, the present petition is **disposed of** with the observation, in case the petitioner files recall application or appeal before the appropriate forum, within a period of two weeks from today, that proceeding (as may be elected by the petitioner), may be heard and decided by the appropriate authority, as expeditiously as possible, preferably within a period of one month from the date the compliance is shown by the petitioner.

(Shiv Shanker Prasad, J.)

(Saumitra Dayal Singh, J.)

Order Date :- 15.12.2023

Sushil/-