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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10661 OF 2014**

Mohammed Moeen M. Dastagir Shaikh	... Petitioner
Versus	
The Attorney General of India & Ors.	... Respondents

Mrs. Sana Yusuf Bangwala, for the Petitioner.
Mr. Parag Vyas, for the Respondent No.2.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 28th JULY, 2015

PC.

. Heard the learned counsel appearing for the Petitioner. The substantive challenge in this Petition is to the provision of clause (b) of Article 173 of the Constitution of India. Article 173 lays down qualifications for membership of the State Legislature. Clause (b) thereof provides that a citizen who is not less than 25 years of age is qualified to contest a seat in the legislative assembly. In case of legislative council, the minimum age required is 30 years.

2. The learned counsel appearing for the Petitioner relied upon the amendment made vide Act No.21 of 1989 to the Representation of Peoples Act, 1950 by which the minimum age of a

voter was brought down from 21 years to 18 years. Her contention is that if a 18 years old person is eligible to vote in the election of the State Legislature, there is no reason to deprive such a person an opportunity to contest the election.

3. We have carefully considered the submissions. When the qualifying age of the voter was 21 years, clause (b) of Article 173 was the same. Therefore, there is a fallacy in the argument that qualifying age to become a voter and qualifying age to contest an election of legislative assembly cannot be different. As pointed out earlier, under clause (b), qualifying age for contesting election to a seat in the legislative assembly is 25 years and for the election of legislative assembly it is 30 years. Thus, framers of the Constitution have made a distinction between the qualifying age for becoming a voter and qualifying age for a citizen to contest an election of the legislative assembly. The said distinction has been maintained for several decades. We see no illegality or arbitrariness in the provisions of clause (b) of Article 173 of the Constitution of India. There is no merit in the Petition and the same is accordingly rejected.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)