

practices and if there was circumstance that required recounting, that circumstance must be evident in the petition itself. The degree of proof in the election petition is always very strict and rules of pleadings are stricter. From what we have extracted above, all that we can notice is that the petitioner was contending that the Presiding Officer did not show any of the votes polled. This can hardly be contended as ground requiring recount. If there were 65 votes which were rejected and the person that was declared victor had a margin of 19 votes, that could have been rejected fully if the votes polled in favour of either of the petitioner had not been counted at all or when votes which could not have been rejected, were wrongly rejected. There is no plea anywhere that the votes polled in favour of either one of the parties was not counted. If there were 64 votes rejected, Rule 33 in the Punjab Panchayati Raj Act, 1994, requires the Presiding Officer to endorse the word rejected and also record the grounds of its rejection.

There is no plea anywhere in the petition that the rejection had been made without endorsement or without recording the ground of rejection in the ballot papers. If there was such a contention a recount by examination of ballot papers of what were validly polled and what had been rejected could have become possible.

With nebulous contentions regarding the corrupt practices, a recount cannot be made. The counsel appearing for the petitioner seeks to derive strength from her submissions from two judgments of Hon'ble the Supreme Court that have held as follows. In Preet Mohinder Singh Vs. Kirpal Singh 2001 (2) RCR (Civil) 647, the point for consideration was exactly the same as what we are considering now. There was a difference of 27 votes between the elected and the defeated candidate. There was an averment to the effect that the Presiding Officer had illegally rejected 57 votes where in fact those were only 37 votes of such nature. The Court held such an averment to be vague and bald and there were no material facts to sustain the particular direction for recount. The other judgment of this nature was Mithu Singh Vs. Ranjit