

In the High Court of Punjab and Haryana at Chandigarh

**C.W.P. No. 23668 of 2015
Date of Decision: November 05, 2015**

Dilbhag Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Raj Kapoor Malik, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing letter dated 03.07.2013 (Annexure P/7) and letter dated 12.07.2013 (Annexure P/8), whereby respondent no.3 – District Registrar of Societies, Kaithal has constituted the Adhoc Committee of Jat High School, Kaithal and further quash the action of the Adhoc Committee in appointing respondent no.6 as Returning Officer on the basis of letters dated 05.10.2015 and 08.10.2015 (Annexures P/12 and P/13 respectively).

Brief facts of the case are that election of Jat High School Society, Kaithal is to be held. In this regard, programme has also been issued which is placed on record as Annexure P/10. For taking back the nomination papers, date is fixed as 05.10.2015 i.e. today. 06.11.2015 is the date for allotment of symbols and 22.11.2015 is the date for election.

Counting and result will also be on the same date i.e. 22.11.2015.

The only grievance of the petitioner is that respondent no.6 – Ram Kishan Dhanda is already working as Vice-President of the Adhoc Committee. The apprehension of the petitioner is that there is possibility of partiality in the election proceedings in the presence of respondent no.6. The Deputy Commissioner, Kaithal has already written to the Registrar General, Firms and Societies, Haryana to appoint any gazetted officer so that election may be conducted in a fair manner.

Without issuing notice to the private respondents, this Court deems it fit and proper that since the direction is issued only to respondent no. 1 to 4, specifically respondent no.2, instant writ petition can be disposed of after serving notice upon official respondent nos. 1 to 4.

Notice of motion to respondent nos. 1 to 4 only.

On the asking of the Court, Mr. Sandeep S. Mann, Senior Deputy Advocate General, Haryana, accepts notice on behalf of respondents no.1 to 4.

Keeping in view the urgency in this matter, this Court deems it fit and proper that respondent no.2 – Registrar General, Firms and Societies, Haryana shall forthwith appoint any gazetted officer, not below the rank of Tehsildar, as returning officer, who shall immediately take over the charge from respondent no.6 – Ram Kishan Dhanda for the limited purpose of conducting election in question. Respondent no.4 - Deputy Commissioner, Kaithal is also directed to himself supervise the entire election process or he may appoint any other senior officer to look over the entire proceedings.

Disposed of in the above terms.

Copy of this order be given to the learned counsel for the petitioner under the signatures of Bench Secretary of this Court, as well as, learned State counsel for onward transmission to respondent nos. 2 to 4.

November 05, 2015
vkd

[Paramjeet Singh]
Judge