

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 2760 of 2015
Date of Decision:-19.02.2015**

Darshan Pal

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Dr. Dayal Partap Singh Randhawa, Advocate
for the petitioner.

HEMANT GUPTA J.(Oral)

The petitioner, who is neither a candidate nor a student has invoked the writ jurisdiction of this Court to postpone the general elections to the Municipal Corporations of Pathankot, Phagwara, Hoshiarpur, Sahibzada Ajit Singh Nagar, Moga, Bathinda and bye elections of Municipal Corporations of Jalandhar and Patiala to be conducted in the month of February 2015 on the ground that the students of 10th and 10+2 are preparing for the examinations, which are likely to be disrupted on account of the election process.

The petitioner in the writ petition has not disclosed his credentials except to state that he has not oblique consideration to file the present writ petition but being a public spirited person has invoked the writ jurisdiction of this Court to address the issue of breach of communal harmony, consequently resulting in loss of studies of the future of the country. Apart from the fact that the credentials of the petitioner as a public spirited

person is not supported by any track record of the petitioner in public interest but also we find that elections to the local bodies, the third tier in the democratic setup cannot be interfered when the polling is scheduled to be held on 22.2.2015. The date sheet (Annexure P-5) attached with the writ petition shows that the examinations are commencing from 2.3.2015, though there are averments in the writ petition that some examinations are commencing from 22.2.2015 and 28.2.2015.

We find that the conduct of examinations cannot be made a shield to seek postponement of elections, which are being conducted after lapse of constitutional period of term of five years of the Municipal bodies, which completed its term in the year 2013. The petitioner seems to be a busybody and has approached this Court not in a bona-fide manner.

Consequently, the present writ petition is dismissed with costs of Rs.10,000/- to be deposited with the Punjab State Legal Services Authority within a period of one month.

(HEMANT GUPTA)
JUDGE

February 19, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE