

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP No. 4198 of 2015

Date of Decision: March 11, 2015

Dr. Anirudh Bharati and another

...Petitioners

Versus

The Vice-Chancellor and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Parveen Kumar Rohilla, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court for setting aside the elections dated 12.09.2012 declared by the Principal for the post of Staff Representative conducted in the Arya Post Graduate College, Panipat, by which two Staff Representatives were elected.

It is the contention of the counsel for the petitioners that the elections held to the school management, of which two representatives of the staff were to be elected, is not in accordance with Clause 6 (i) (a) of University Calender Volume-1, 2009. Counsel contends that Clause 6 (i) (a) of University Calender, which deals with the elections, provides that each person on the electoral roll shall have one vote. After counting, the nominees shall be listed in descending order of number of votes secured. As per the

precedence, the vacancies shall be filled by the persons in order of precedence in which they have been listed. In the elections, which was held in the Arya Post Graduate College, Panipat-respondent No. 2, the Principal, who was the Returning Officer, had although supplied one ballot paper each but the teachers were permitted to vote for two representatives, who were to be elected to the Management Committee. This, he contends, is not in accordance with the provisions of the University Calender. He further contends that the clarification, which has been sought by the Principal of the School, has been wrongly answered by the University vide communication dated 04.09.2012, where it has been stated that one ballot paper shall be issued to one voter and he will elect any two teacher representatives out of the 10 contesting candidates for the college Governing Body. He contends that in the light of the specific provisions of the University Calender, the action of the Returning Officer as also the clarification of the University being contrary to the provisions cannot sustain and the elections of the Staff Representatives for the Governing Body cannot sustain and deserves to be set aside. He has also referred to the process, which is being followed in the various other colleges where each teacher is permitted to cast only one vote for one representative and it is after that the result is declared on the basis of the votes cast for a particular candidate.

I have considered the submissions made by the counsel for the petitioners and have gone through the records of the case.

The case of the petitioners is dependent upon the provisions as contained in Clause 6 (i) (a) of the University Calender Volume-1, 2009, which reads as follows:-

- “ (i) (a) Each person on the electoral roll shall have one vote.
- b) After counting, the nominees shall be listed in descending order of number of votes secured.
- c) From the list of precedence as at above, the vacancies shall be filled by persons in the order of precedence in which they have been list.
- d) In case of ties for any material place in the order of precedence, the election shall be decided by toss of the coin, having two distinctly distinguishable sides.”

A perusal of the above would show that for elections to the Governing Body, each person on the electoral roll shall have one vote, which would be in case there is only one representative to be returned. Since admittedly, in the present case, two representatives have to be elected to the Governing Body of the School, each person would be entitled to cast one vote each for each representative as per his choice. The clarification, as has been given by the University vide communication dated 04.09.2012 also states the same, which reads as follows:-

“ It is to inform you that as per Clause 6 (i) (a) of University Calender Volume-1. 2009 appearing at

page 6, one ballot paper will be issued to one voter and he will elect any two teacher representatives out of the contesting candidates for the college Governing Body.”

In view of the above, the contentions, as raised by the counsel for the petitioners, cannot be accepted and having found the elections to be in accordance with the provisions of the Statute, no interference is called for in the present writ petition and the same, therefore, stands dismissed.

March 11, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE