

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

CWP No. 25721 of 2016
Date of decision: 19.12.2016

GeetaPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Vikram Bali, Advocate,
for the petitioner.

Mr. Sudeepti Sharma, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

The petitioner, who is posted as an ETT Primary Teacher, seeks quashing of the impugned order dated 28.10.2016 (Annexure P-2) whereby, respondent no. 5-the SDM, Nawanshahr has appointed the petitioner as Booth Level Officer in the forthcoming Legislative Assembly, Elections and she was asked to report on 02.11.2016 failing which, she was liable to be prosecuted under Sections 30 and 32 of The Representation of the People Act, 1951.

Notice of motion.

Ms. Sudeepti Sharma, DAG, Punjab accepts notice on behalf of the respondents. It is pertinent to mention that the State had already been put to notice on 13.12.2016 and was asked to verify the above said facts.

Counsel for the petitioner has pertinently referred to Annexure P-3 to submit that the petitioner has a one year old child and her husband is an Advocate and, therefore, she is unable to perform this duty. It is further pointed out that one Davinder Kaur, who had earlier worked as Booth Level

Officer, had also made a request to substitute her in the place of the petitioner.

Counsel for the petitioner accordingly submits that the said request for substitution as such is still pending consideration.

Keeping in view the above, counsel for the State also is agreeable that respondent no. 5 shall take a decision on the application for substitution filed by Davinder Kaur, which is appended alongwith the writ petition.

Accordingly, the writ petition is disposed of and it is expected that respondent no. 5 shall take a favourable consideration in view of the peculiar facts and circumstances of the case if there is no objection and the petitioner can be substituted by the said Davinder Kaur. Let the necessary decision be taken within a period of one week from today.

19.12.2016
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No