

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13850 of 2017
Date of Decision: 19.06.2017

Smt. Devki

...Petitioner

VERSUS

State of Haryana and others

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Wazir Singh, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

This is petition seeking writ of certiorari for quashing of impugned order dated 13.06.2017 (Annexure P-5) passed by respondent no. 3.

The petitioner vide application dated 07.06.2017 applied for inclusion of her name in voter list so that she may contest the election of *sarpanch* of village Bitani, which was notified on 05.06.2017. The application was, however, declined by Deputy Commissioner-cum-District Election Officer (Panchayat), Jind with the observation as follows:-

“As per Rule 12C of the Panchayati Raj Election Rules, 1994, there is a provision for getting new votes added within four days from the date of instruction for election process. The instruction for bio/sub-election was issued on 05.06.2017 by Hon'ble State Election Commission, Haryana but the applicant has not attached the receipt of fee of ₹5/- and Non-Judicial Stamp as per Rule 12C and point no. 1. The applicant has deposited the fee of ₹5/- in the Government Treasury on

13.06.2017 but as per Rule 12 C (3) the receipt was to be attached with application. Not doing so, there is violation of Rule. The applicant has submitted the application form alongwith prescribed fee for getting new vote after the prescribed period. Therefore, the applicant does not cover for getting new vote entered under Rule 12C.”

Learned counsel for the petitioner has argued that application was moved by the petitioner before the Block Development and Panchayat Officer, Safidon within the stipulated period of four days after the notification of election. The petitioner being illiterate lady could not visualize that she had also to deposit fee alongwith the application and she was also not apprised of this fact by the concerned competent authority. The fee was deposited on 13.06.2017 and the District Election Officer has not looked into this fact that application was filed in time and fact of late deposit of fee could be condoned.

Section 12C of Haryana Panchayati Raj Election Rules, 1994 reads as follows:-

“12C. Manner for making application for inclusion of name

in the voters list - (1) An application under rule 12A or 12B shall be made in duplicate in one of the Forms 1A, 1B, 1C or 1D, as may be appropriate and shall be accompanied by a fee of five rupee:

Provided that such application shall be addressed to the District Election Officer (Panchayat) and presented to him at any time not later than four days from the date of publication of the election programme excluding the date

of publication.”

Perusal of above rule shows that application in prescribed form accompanied by fee of ₹5/- was required to be filed within a period of four days from the date of publication of election schedule. Admittedly, the petitioner has not complied with aforesaid provisions. She had deposited the requisite fee on 13.06.2017 i.e. 8 days after the publication of election schedule. Taking note of above fact her application for inclusion of her name in the voter list was declined by the competent authority.

We find no illegality or irregularity in the impugned order dated 13.06.2017 (Annexure P-5) passed by respondent no. 3-Deputy Commissioner-cum-District Election Officer (Panchayat), Jind.

The instant petition has no merit and the same is dismissed.

June 19, 2017
jk

(SURINDER GUPTA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***