

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

CWP No.1696 of 2017
Date of decision : 01.02.2017

Aslam and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Vinod S. Bhardwaj, Advocate for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioners have knocked the door of this Court, seeking writ in the nature of mandamus with a prayer to direct the official respondents to decide the representation/complaint dated 26.05.2016 (Annexure P-13) with regard to the alleged eligibility and education qualification of the elected candidate-respondent No.4.

Contention of learned counsel for the petitioner is that the respondent No.4 was not having the essential qualifications as per the provisions of Haryana Municipal Act as she had submitted her nomination form against the post reserved for women candidates. In fact, she is 8th class pass whereas qualification for general candidate is 10th class. Copy of the nomination form which was submitted by the respondent No.4 has been attached as Annexure P-1 with the paper book. The affidavit clearly indicate

that she has done 8th class and the certificate attached along with nomination form of having passed Class 8th under the National Open School was bogus certificate. It is in this aspect of the matter, indulgence of this Court has been sought.

I have heard learned counsel for the petitioners and appraised the paper book.

I called upon Mr. Bhardwaj, Advocate to apprise the Court as to whether the petitioners had also contested for the post of Municipal Council, answer was in negative.

In view of such situation, question to be debated upon this is the locus standi of the petitioners. It is not a public interest litigation, whereby roving enquiry has been sought against the candidature of private respondent. In my view, petitioners does not have any locus standi as they had not participated in the election process. Nomination papers submitted by respondent No.4 have been accepted and she was allowed to contest the election and resultantly, succeeded by majority of the votes and now is a elected Councilor. Election was declared in the month of June 2016, in essence, the representation of the petitioners submitted prior to the election is deemed to have been rejected. The petitioners would not have remedy of filing the election petition being not contestant whereas the present writ petition has been filed by rasing cause of action purported to have been accrued on 01.01.2017.

In my view, the petition is wholly misconceived de hors of the merit on the points noted above regarding locus standi and complied the direction qua nomination of the private respondent No.4.

No ground for interference is made out.

Accordingly, present writ petition is dismissed.

01.02.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No