

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.20063 of 2017

Date of Decision: 6th September, 2017

Harman Veer Singh

. . . . Petitioner

Vs.

Panjab University and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Baljeet Beniwal, Advocate, for
Mr.Keshav Pratap Singh, Advocate,
for the petitioner.

Mr.Subhash Ahuja, Advocate,
for respondents No.1 & 2.

Mr.Rohit Dheer, Advocate,
for respondents No.3 & 4.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for a writ in the nature of mandamus for quashing of the order dated 2.9.2017 by which nomination paper filed by him for contesting the Students' Central Association Election 2017-18 has been cancelled.

Learned counsel for the petitioner has submitted that the nomination paper of the petitioner has been cancelled because he has not found to have attached original certificates of the last examination passed (annual/semester wise result card) with the nomination paper.

After notice was issued, the respondents-college has put in appearance.

Learned counsel for the respondents-college has submitted that as per the recommendation of J.M, Lyngdoh (Former Chief Election Commissioner) Committee, the petitioner was to attach all the certificates so

that his academic arrears should be ascertained. It is also submitted that the petitioner has filed nomination papers in order to contest for the post of President, Vice President, Secretary and Joint Secretary though he can contest only for one post.

Learned counsel for the respondents-college has referred to Clause 6.5.4 and 6.5.6 of the recommendations of the Committee, which read as under: -

“6.5.4 Although, the Committee would refrain from prescribing any particular minimum marks to be attained by the candidate, the candidate should in no event have any academic arrears in the year of contesting the election.”

“6.5.6 The candidate shall have one opportunity to contest for the post of office bearer, and two opportunities to contest for the post of an executive member.”

In reply, learned counsel for the petitioner has submitted that in the nomination papers, he has specifically filled his marks obtained in Semester I to IV but he had attached the original certificates of only Semester III & IV. It is submitted that otherwise the petitioner has got the certificates of Semester I & II, which are also attached with this petition as Annexure P-4 (Colly).

Learned counsel for the respondents has not doubted the authenticity of the said certificates as the certificates have been issued by the Panjab University.

Be that as it may, it appears that the petitioner was under a wrong belief and impression that he had to attach only the certificates of last examination passed, therefore, he had attached the certificates of Semester III & IV otherwise he would have attach the certificates of Semester I & II as well and thus, in my considered opinion the petitioner has not deliberately concealed this information from the respondents by not attaching the original certificates of Semesters I & II though he had mentioned marks secured in Semester I & II in the nomination papers, therefore, the nomination paper of the petitioner cannot be cancelled on this ground.

Insofar as the second ground is concerned that the petitioner has filled the nomination papers for contesting the post of President, Vice President, Secretary and Joint Secretary is concerned, the petitioner has fairly conceded that he would contest for the post of Vice President only and Clause 6.5.6 does not come in his way.

The actual interpretation of Clause 6.5.6 is that it would permit the candidate to contest only for once for the post of office bearer and twice for the post of executive member.

There is no allegation against the petitioner that he had earlier contested for the post of office bearer, therefore, Clause 6.5.6 cannot be applied to the case of the petitioner in order to debar him from contesting the election. The petitioner would withdraw his nomination papers insofar as the post of President, Secretary and Joint Secretary are concerned and shall be allowed to contest for the post of Vice President.

With these observations, the present petition is hereby allowed and the respondents are directed to entertain the nomination paper of the petitioner for the post of Vice President so that he may contest the election

for the said post in the ensuing elections which are scheduled to be held on tomorrow.

A copy of this order be given to counsel for the parties under the signature of Special Secretary of this Court.

6th SEPTEMBER, 2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No