

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

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*CWP No.28748 of 2017*  
*Date of Decision: 18.12.2017*

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Dr. Devender Bohra

. . . . Petitioner

*Vs.*

Center Council of Indian Medicine and another

. . . .Respondents

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

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Present: Mr.Anil Ghanghas, Advocate,  
for the petitioner.

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***RAKESH KUMAR JAIN, J.***

The petitioner has challenged the election notice dated 15.9.2017 as per which the election, in the State of Haryana, for electing one member for Ayurveda and one member for Unani System of medicine as member of the Central Council of Indian Medicine, constituted under the Indian Medicine Central Council Act, 1970 [for short 'the Act'], in terms of the Indian Medicine Central Council (Election) Rules, 1975 [for short 'the Rules'], between 26<sup>th</sup> September, 2017 to 28<sup>th</sup> September, 2017 i.e. from the date of filing of nomination paper till the date of counting of votes, on the ground that there is no secrecy because it would be known from the ballot paper as to in whose favour the voter has polled his vote.

Learned counsel for the petitioner has submitted that the voting paper bearing No.2731 is of Sunil Yadav and in case he would vote in favour of a particular candidate then it would be known as to for whom he casted his vote.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that there is no merit in the present petition because it has been categorically provided in Rule 18 of the Rules as to under what circumstance the voting paper would be declared invalid. Rule 18(3) of the Rules read as under: -

*“18(3) A voting paper shall be invalid if—*

*(a) it does not bearing the Returning Officer’s initials, or facsimile signature; or*

*(b) the voter signs his name or writes any word or makes any mark on it, by which it becomes recognizable as his voting paper; or*

*(c) no vote is recorded thereon;*

*(d) the number of votes recorded therein exceeds the number of seats to be filled; or*

*(e) there is uncertainty of the vote exercised.”*

In view thereof, I do not find any merit in the present petition because it is not even a condition for declaring the voting paper invalid on the basis of which the present petition has been filed.

Consequently, the present petition is hereby dismissed.

18.12.2017

*Vivek*

(RAKESH KUMAR JAIN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*