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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9143/2017**
MASHIH-UL-HAKEEM AJMAL KHAN MEMORIAL
FOUNDATION

..... Petitioner
Through Mr.Rakesh Tiku, Sr. Adv. with
Mr.A.J.Khan, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents
Through Mr.Sachin Nahar, Adv. for
GNCTD/R-1, R-2 and R-3 with
Mr.Vijay Kumar, Returning
Officer/R-3.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **14.11.2017**

Petitioner is aggrieved by the manner in which the election of Delhi Bhartiya Chikitsa Parishad/respondent no.2 is being carried out. He has made a representation to the Returning Officer but to no avail. His submission is that the election as far as possible should be transparent.

On advance notice learned counsel for respondent has put in appearance. It has been informed to the Court that the election to the post of members of the Delhi Bhartiya Chikitsa Parishad comprises of 4800 voters (approximately).

Attention has been drawn to the Delhi Bhartiya Parishad Rules. Rule 13 (a) contained in Chapter II reads as under:

“(a) When there are more contesting candidates than the existing vacancies, the voting shall be by means of postal ballot, or by personal voting within the stipulated time and date.”

The mandate is that the voting shall be by means of postal ballot or by personal voting.

Learned senior counsel for the petitioner points out that voting by postal ballot sometimes creates a confusion; it is not clear whether the actual member has sent his postal ballot or there has been an impersonation. This apprehension has led him to file the present petition.

In the course of the arguments after the matter has been passed over it has been agreed between the parties that since the postal ballots are ready for dispatch for tomorrow (the Returning Officer having notified the schedule of the election) each postal ballot will contain a stamp endorsed upon the envelope which shall inform to the voter that he must along with his ballot paper declare his identity by means of appending his photo identity card along with the ballot paper. The submission of the Returning Officer that the ballot papers have since been sealed has led this Court to hold that this stamp can be affixed on the front or on the back side of the envelope and the Returning Officer may not de-seal the ballot paper for the said purpose. The ballot paper will be considered only if the aforementioned condition is complied with.

In view of the aforementioned order passed today learned senior counsel for the petitioner is not pressing the other reliefs as prayed for

in the present petition.

Petition disposed of in the above terms.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

NOVEMBER 14, 2017

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