

***IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD***

WRIT PETITION NO. 12635 OF 2018

Shri Rajindarsingh Narendarsingh Pujari ... Petitioner

Versus

State of Maharashtra & others ... Respondents

Mr. R.P. Adgonkar, Advocate for the Petitioner.

Mr. A.B. Girase, GP for the Respondents.

Mr. R.S. Deshmukh, Advocate for newly added respondent.

Coram : N.M. Jamdar, J.

Date : 21 November 2018.

Oral Order :

1. By this petition, petitioner challenges the order dated 26 October 2018 passed by the Divisional Commissioner, Aurangabad and order dated 4 October 2018 passed by the Collector, Nanded.

2. Petitioner, by filing an application before the Collector Nanded, took exception to certain persons being included as voters in the ensuing election to the Nanded Sikh Gurudwara Sachkhand Shri

Hujur Apchalnagar Sahib Board. According to petitioner, the persons who were sought to be included in the voters list do not have 'Singh' or 'Kaur' as prefix to their names which is an essential requirement for being a Sikh, which is also a requirement for being included as voter for the purpose of election. Both the Collector and the Divisional Commissioner have found that this is not a requirement in law and have rejected the application and the appeal respectively. Seven persons however, have been directed to be deleted by the Collector.

3. As regards the prefix of 'Singh' and 'Kaur' before the name is concerned, my attention is drawn to the provisions of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Act, 1956. The act defines "Sikh" to mean a person who professes the Sikh religion or in the case of a deceased person, who professed the Sikh religion or was known to be a Sikh during his life-time. By bare perusal of this definition, the prefix of 'Singh' or 'Kaur' is not envisaged. All that the definition states is that a person has to make a declaration that he has belief in Guru Granth Sahib and Ten Gurus and has to affirm that he has no other religion. Both the authorities therefore, cannot be said to be in error to hold that there is no legal requirement of having prefix of 'Singh' or 'Kaur' as envisaged in definition under section 2(f) of the Act. No other position of law

contrary to the view taken is shown.

4. As regards the guidelines prepared by the Collector on 4 August 2018, it appears it has been decided by consensus that as regards the persons who have converted from other religion to Sikhism, they should produce a certificate of Amritpaan. Learned counsel for petitioner submits that necessary direction be issued to the Election Officer to ascertain said position. Since these are the guidelines framed by the Collector in a meeting which seems to be by way of consensus, there is no warrant to assume that they will not be followed, whether such guidelines have legal basis or not apart.

5. It is informed that finalisation of voters list is scheduled for tomorrow. Considering the above position and the provisions of the act, more particularly, definitions therein, it cannot be said that the view taken by both the parties is perverse or without jurisdiction so as to warrant interference under writ jurisdiction. Writ petition is accordingly rejected.

N.M. Jamdar, J.