

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.43237 OF 2018

ORDER : (ORAL) (Per Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

This is a Writ Petition filed by Rudravaram Venugopal who is a candidate in the ensuing elections to '34 - Medak Assembly Constituency.' The complaint is that though he has been sponsored by a registered political party, the political party's name has not been allotted to him though the symbol sought by him has been allotted.

2. Even at the time of admission, we had required the petitioner to disclose as to whether he had presented a duly prepared 'Form B' notice as to the names of the candidates set up by the political party.

3. Today, learned Standing Counsel for Election Commission of India has pointed out the prescribed 'Form B' which is a notice as to the names of the candidates set up by the political party in terms of paragraphs 13(b)(c)(e) of the Election Symbols (Reservation and Allotment) Order 1968. Examining that Form, we see that, it is a declaration to be made by the authorized person of the party and the fundamental content of that Form is, *inter alia*, 'paragraph 3' which is to the following effect:

“[3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.]”

Only if such certification is made by the authorized person of the party, the candidate will be entitled to say that the political party's name should be shown and the party's name should also be allotted to him.

4. The learned standing counsel for ECI has placed before us the photostat copy of the 'Form B' submitted along with the petitioner's nomination. It does not have such certification and is not in conformity with the prescribed 'Form B'. Paragraph 3 of the prescribed Form and the other entries at its foot are not in accordance with the prescription of 'Form B' of the Election Symbols (Reservation and Allotment) Order 1968. We also record on behalf of the ECI that even the issue raised by the petitioner is squarely covered by the decision of the Supreme Court in **Manda Jaganath v. K.S. Rathnam**¹ as falling under Article 329(b) of the Constitution of India. For the aforesaid reasons, the writ petition fails.

5. In the result, the Writ Petition is dismissed. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this writ petition stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

December 4, 2018.
PV

¹ (2004) 7 SCC 492