

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1) CWP No.11657 of 2018

Jai Bhagwan

....Petitioner

Versus

State of Haryana and others

....Respondents

2) CWP No.11664 of 2018

Devender Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

3) CWP No.11678 of 2018

Baljeet Kumar Saini

....Petitioner

Versus

State of Haryana and others

....Respondents

4) CWP No.11682 of 2018

Hemlata

....Petitioner

Versus

State of Haryana and others

....Respondents

Date of Decision : 09.05.2018

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJBIR SEHRAWAT

Present: Mr.Chanderhas Yadav, Advocate
for the petitioner(s).

MAHESH GROVER, J. (Oral)

The petitioners in all the aforesaid writ petitions are
aggrieved of the rejection of their nomination on the ground that the

proposer did not adduce any evidence regarding his academic qualification.

Learned counsel for the petitioners contends that he had gone strictly by the check-list provided by the Returning Officer which is on record as Annexure P-7, which did not prescribe any such requirement although the information required of the candidate was set out in detail which he satisfied. The Returning Officer in the impugned orders Annexure P-6 has said that opportunity was provided to the proposer to show his educational certificates which as per Rule 21(3) of the Haryana Municipal Election Rules, 1978 should have been upto 8th Class considering that he belongs to a scheduled caste category.

We also notice from the impugned orders that the nomination form was submitted at 11.10 AM and the scrutiny was offered at 11.30 AM. The rejection time, however, is not mentioned. Be that as it may, two things which stare us in the face are that the check list does not indicate any requirement of the proposer to furnish his certificate though the rules certainly do. There is nothing on record to suggest that some reasonable time was afforded to the proposer to furnish the educational certificate. We are also conscious of the fact that we are dealing with the election process at the grassroots level where sole educational requirement is 8th class for a scheduled caste candidate. In this eventuality, it could have been appropriate for the Returning Officer to be more elaborate in prescribing the list for nomination in the elections. We, therefore, deem

it appropriate to issue notice of motion.

Since Mr.Sandeep Moudgil, Additional Advocate General, Haryana is present, we would derive a benefit of his presence and direct the respondents to permit the proposer to show his educational qualification and if it is found to be correct, the rejection be reconsidered and if everything else is in order and this is a sole ground, which may be rectified by production of educational certificates, the petitioner(s) be permitted to participate in the election.

The proposer(s) of the petitioner(s) shall report to the Returning Officer with his educational certificate tomorrow at 10.00AM.

Petitions stand disposed of.

Copy of the order be given *Dasti*.

(MAHESH GROVER)
JUDGE

09.05.2018
dss

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No