

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

CWP No.28651 of 2017 (O&M)

Date of Decision : 19.09.2018

Mohd.Salim

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vivek K.Thakur, Advocate
for the petitioner.

....

MAHESH GROVER, J. (Oral)

This petition is directed against the order passed by the Civil Judge (Junior Division), Panipat dated 31.10.2017 declining the challenge made by the petitioner to the election of respondent No.4 as a Sarpanch of village Pathargarh.

The primary challenge was on the ground that the elected candidate did not possess the requisite qualification of being a matriculate and there were multiple nomination papers filed with diverse informations which should have been a cause for rejection.

The election took place on 24.01.2016. By impugned order while negating the challenge made by the petitioner it was recorded that respondent No.4 had done his M.A.Urdu from Maulana Azad National Urdu University Gachibowli, Hyderabad and treating it to be a higher qualification than Matric the plea in this regard was declined. Similarly the plea of manipulation, interpolation and furnishing of fake information was discarded.

Before us similar argument has been raised as the one on which the challenge before the trial court was based. Due to the insistence of the petitioner with regard to irregularities in nomination papers and interpolation etc., we had summoned the records and have satisfied ourselves by referring to it. We do not find any such irregularity that may be fatal to the election of respondent No.4. Consistently the said respondent has furnished correct information regarding his qualification in the nomination forms, even though in one of the documents he refers to his qualification as 10th pass. This itself will not make any difference considering that in all the documents he has specifically mentioned his qualification that he possessed.

Learned counsel for the petitioner contends that the writing is with a pen even though the other particulars are in a typed form. To our minds this ipso facto cannot lead to any inference of interpolation when consistently all the documents show so.

In so far as the plea of the respondents not being possessed of the requisite qualification of Matriculation, we are of the opinion that it is not denied before us that the said respondent possessed M.A.Urdu from Maulana Azad National Urdu University Gachibowli, Hyderabad. After doing his Maulvi he took admission in Fazil Course, whereafter he obtained his M.A.Urdu degree. There is nothing on record to suggest that M.A.Urdu from Maulana Azad National Urdu University Gachibowli, Hyderabad is a lesser qualification than Matric. It was for the petitioner to establish so.

Although a reference would be made by the learned counsel for the petitioner to some information that he has sought under the Right to Information Act but if we see the question submitted to solicit information, it merely refers to the qualification of 'Maulvi' and whether it is equivalent to Matric as recognized in the State of Haryana or not. It does not even remotely suggest that the petitioner raised a query regarding the requisite qualification of the respondent No.4 (MA Urdu) being equivalent to Matric or not. We thus do not find any reason to interfere with the impugned order.

Petition dismissed.

Trial Court record be returned.

(MAHESH GROVER)
JUDGE

19.09.2018
dss

(MAHABIR SINGH SINDHU)
JUDGE

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