

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22077 of 2018

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Vasudhaiv Kutumbakam Party represented through Amar Nath Jha, Ward No.-7, Holding No. - 1050, New Mohall – Sahebabadganj, Mansar Colony, Naka No. 2, Kadirabagh, Darbhanga, District – Darbhanga, Bihar – 846004.

... .. Petitioner

Versus

1. The Election Commission of India, Nirvachan Sadan Ashoka Road, New Delhi-110001.
2. U.D.I. through Secretary, Ministry of Law India.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Amar Nath Jha In Person
For the Election Commission: Mr.Siddhartha Prasad, Advocate
of India

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-03-2019 Heard the petitioner In-person and learned counsel
representing the Election Commission.

The petitioner has moved this Court for the following
relief:

“1. That the petitioner above named is filing
the present writ petition for issuance of
appropriate writ/unit of India, issuance of
direction/dismiss in the writ of mandamus
commanding the related part for clause
respondent no. 1 quash the order dated 01
October 2018 and quash unit of the and
annexure part -3 direct the same to called of
the any symbol proposed by petitioner
declaring the same having no religious
connection.”

The petitioner In-person has submitted before this



Court that the symbol sought for by his party denotes the unity and integrity of the nation and the unity among the various religious communities existing together.

A counter affidavit has been filed on behalf of respondent no. 1. Learned counsel for respondent no. 1 has drawn the attention of this Court towards the 2nd proviso sub-clause (v) of Clause (B) of Rule 10B of the Election Symbols (Reservation and Allotment) Order, 1968 (hereinafter referred to as 'the Order, 1968')..

The submission is that the petitioner had applied for a religious connotations, the Election Commission has rightly rejected the same for the reasons stated in Annexure-2 series and Annexure-3 to the writ application. It is further submitted that as per Rule, the petitioner had to give the choice of symbol in order of preference under Rule (iv) of the Order, 1968 for allotment of common symbol under Paragraph-10B which the petitioner had not provided this has been shown from Annexure-1 to the writ application. Attention of this Court has been withdrawn towards the symbol applied by the petitioner as appearing in column 7 the first symbol shows the picture of four persons of four different religion standing together and it reads 'collection of Hindu, Muslim, Sikh and Christian', the second



symbol is of 'Mandir', 'Masjid', 'Church' and 'Gurudwara' and the third symbol is 'Om', 'Ardhachandra', 'Holy Cross' and 'Kripan', it is these three symbols anyone of which was sought to be allotted by the petitioner but the Election Commission has rejected the same saying that it denotes religious connotations.

In the opinion of this Court, the Election Commission being the competent authority to allot the symbol has considered the request of the petitioner and in the light of the 2nd proviso to sub-clause (v) of Clause (B) of Order 10B. If it has been found by the Election Commission that the symbol asked for by the petitioner denotes the religious connotation hence, it would not be just and proper to allot him any of the aforesaid four symbols, this Court sitting under Article 226 of the Constitution of India would not impose its own opinion particularly when no arbitrariness is found in the decision of the Election Commission. The petitioner is unable to persuade to this Court to interfere with the impugned order.

The writ application has, thus, no merit, it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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