

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.867 of 2019

ORDER:

The grievance of the petitioner is that the Returning Officer, Pangidipally Gram Panchayat, Kamalapur Mandal, Warangal Urban District, refused to receive her nomination papers for contesting in the election to the post of Sarpanch of the said Gram Panchayat.

Ms. Priyanka Singh, learned counsel representing Mr.P.Sudheer Rao, learned counsel for the Returning Officer, would inform this Court that the nomination form was returned as the petitioner was under-aged. She would point out that though the petitioner mentioned in the said nomination form that her age was 22 years, she could not file any document in support thereof.

Perusal of the record reflects that though the petitioner produced a Study, Conduct and Date of Birth Certificate dated 15.06.2002 issued by the Head of the Educational Institution at SPS Pangidipally stating to the effect that her date of birth was 20.07.1997, the Aadhaar Card issued in the year 2011 records that her year of birth is approximately 1997. If the petitioner was certain about her date of birth on the strength of the Study Certificate dated 15.06.2002, she would not have allowed the Aadhaar authorities to mention her year of birth approximately. No other document is placed on record in proof of her date of birth. It may also be noted that as per the nomination form, the petitioner would have either completed degree or is in the second year of graduation.

Mr. S.Surender Reddy, learned counsel for the petitioner, would contend that the petitioner is actually a graduate but the Returning Officer cut off the entry made by her to that effect and mentioned that she was in the second year of graduation.

Given the aforestated facts and as the election to the post of Sarpanch of Pangidipally Gram Panchayat is scheduled to be held on 30.01.2019 but the date for publishing the list of contesting candidates is tomorrow, i.e., 22.01.2019, it is too late in the day for this Court to interfere with the election process. Such interference would be contrary to law laid down by the Supreme Court in **N.P.PONNUSWAMI V/s. THE RETURNING OFFICER, NAMAKKAL CONSTITUENCY, NAMAKKAL, SALEM DISTRICT¹**.

On this short ground, the writ petition is dismissed. This order shall however not preclude the petitioner from filing an election petition on the strength of the ground raised herein in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

JUSTICE SANJAY KUMAR

Date:21.01.2019

PGS

¹ AIR 1952 SC 64