

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.854 OF 2019

ORDER

The grievance of the petitioners in this case is that the election authorities failed to consider their objections in relation to the candidature of the sixth respondent who is contesting for the post of Sarpanch of Mallampalli Village Gram Panchayat, Mulugu Mandal, Jaishankar-Bupalpalli District. The election to the said post is scheduled to be held on 30.01.2019. The petitioners seem to have submitted their objection petition to the Returning Officer at 4.51 P.M. on 19.01.2019 in relation to the sixth respondent's candidature.

Be it noted that as per the election schedule notified in Annexure-I appended to the election notification dated 01.01.2019, the scrutiny of nominations is to take place up to 5.00 P.M. on 19.01.2019. In terms of Rule 11(2) of the Telangana Panchayat Raj (Conduct of Elections) Rules, 2018 (*for brevity*, 'the Rules of 2018'), the Returning Officer is to decide all objections which may be made at the time of examination of the nomination and reject any nomination if he finds any of the grounds stipulated under Rule 11(2)(i) to (vi) of the Rules of 2018 established after a summary enquiry. Needless to state, such a summary enquiry cannot be conducted behind the back of the candidate against whose nomination an objection is raised.

Ms.Priyanka Singh, learned counsel representing Mr.P.Sudheer Rao, learned counsel for the Telangana State Election Commission, would inform this Court that by the time the petitioners' objection petition was received at 4.51 P.M. on 19.01.2019, the scrutiny of the sixth respondent's nomination was already completed. As Rule 11(2) of the

Rules of 2018 requires the objections received by the time of the examination of the nomination form to be considered, the belated objections filed by the petitioners did not warrant consideration at all. That apart, the appeal filed by them under Rule 12 of the Rules of 2018 did not lie inasmuch as such an appeal can only be filed against rejection of a nomination and not against acceptance thereof.

The writ petition is therefore devoid of merit and is accordingly dismissed. This order shall however not preclude the petitioners from invoking appropriate remedies available to them in accordance with law in the event the sixth respondent is elected.

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

22nd JANUARY, 2019

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SANJAY KUMAR, J