

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.977 OF 2019

ORDER

The grievance of the petitioner is with regard to the rejection of her nomination by the Returning Officer-I, Narketpally Village and Mandal, Nalgonda District, *vide* order dated 19.01.2019, which stood confirmed in appeal by the Deputy District Election Authority and Revenue Divisional Officer, Nalgonda Division, Nalgonda District, *vide* order dated 21.01.2019. The reason for rejection of the petitioner's nomination is that she suffers disqualification under Section 21(3) of the Telangana Panchayat Raj Act, 2018 (*for brevity*, 'the Act of 2018'), as she has more than three children, the last having been born after 31.05.1995.

Sri P.Venugopal, learned senior counsel appearing for Sri T.Sudhakar Reddy, learned counsel for the petitioner, would contend that though the petitioner did have a third child after 31.05.1995, it was due to the failure of the sterilization operation that she had undergone on 20.12.1994. He would further state that the Government of Telangana itself permitted those who had suffered such failed sterilization operations to contest in the Gram Panchayat elections notwithstanding the bar contemplated by Section 21(3) of the Act of 2018 and the earlier like prohibition in the Andhra Pradesh Panchayat Raj Act, 1994.

It is not in dispute that the election notification in relation to the election to the post of Sarpanch of Narketpally Village, Nalgonda District, was issued as long back as on 01.01.2019. The election schedule notified thereunder sets out the various dates for different steps of the election programme culminating in the election being held on 30.01.2019. The appeal filed by the petitioner against the rejection of her nomination was

dismissed in terms of the date stipulated for disposal of the appeal as per the election schedule. The election schedule also postulates that a list of contesting candidates should be published on 22.01.2019 after 3.00 P.M. As this case was moved by way of a lunch motion and is taken up at 2.30 P.M., it is too late in the day for this Court to interfere in the matter even if the petitioner makes out a case. In the light of the law laid down by the Supreme Court in **N.P.PONNUSWAMI V/s. RETURNING OFFICER, NAMAKKAL CONSTITUENCY, NAMAKKAL, SALEM DISTRICT**¹, such interference would invariably have the effect of interfering with the election programme.

The writ petition is therefore dismissed on this short ground. This order shall however not preclude the petitioner from invoking appropriate remedies available to her in accordance with law in the event she has any grievance with regard to the election of the Sarpanch, Narketpally Village, Nalgonda District.

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

22nd JANUARY, 2019

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SANJAY KUMAR, J

¹ AIR 1952 SC 64