

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.9968 of 2019

ORDER

Heard learned counsel for the petitioner, Sri G. Narender Reddy, learned Standing Counsel for respondent No.1, Sri P. Sudheer Kumar, learned Standing Counsel for respondent No.2 and learned Government Pleader for Panchayat Raj and Rural Development for respondent No.4.

2. The case of the petitioner is that she has submitted nomination for the membership of Zilla Parishad Territorial Constituency of Yalal, Vikarabad District, before the 1st respondent on 28.04.2019, however, the same was rejected vide endorsement dated 29.04.2019, under Rule 11(2)(i) of the Telangana Panchayat Raj (Conduct of Elections) Rules, 2018 (for short 'the Rules'), on the ground that she has more than two children and that the third child was born after 31.05.1995 as per the educational documents of the third child. The further case of the petitioner is that her third child was born on 08.05.1995, however, based on the school admission card, the 1st respondent has disqualified from contesting the election of the Member. The grievance of the petitioner is that though she has produced the certificates showing the date of birth of her third child, the 1st respondent has ignored the same and invalidated her nomination.

3. Learned Standing Counsels as well as learned Government Pleader would submit that against the impugned rejection, the

petitioner has availed the remedy of appeal before the 2nd respondent on 29.04.2019, which was adjourned to today for hearing.

4. Having regard to the aforesaid submission that the petitioner has already filed appeal invoking Rule 12 of the Rules, this Court is not inclined to examine the contentions of the petitioner as appellate forum and to entertain the present writ petition. However, the 2nd respondent is duty bound to dispose of the appeal within a timeframe for the purpose of elections, without fail.

5. In view of the above, the Writ Petition is closed. However, the 2nd respondent shall dispose of the appeal today. Learned Government Pleader shall inform the 2nd respondent with respect to the orders this Court. No order as to costs.

6. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

1st May, 2019

Note:
Issue CC tomorrow.

sj