

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

C.W.P 11653 of 2019

Date of decision : 03.05.2019

Naveen Kumar and ors.

.....Petitioners

versus

Election Commission of India and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sajjan Singh, Advocate
for the petitioners.

RITU BAHRI, J. (Oral)

Petitioners have filed the present writ petition under Article 226/227 of the Constitution of India seeking quashing of impugned letters/orders (Annexure P-2 colly) dated 19.04.2019/16.04.2019 appointing the petitioners as Presiding Officers for the conduct of General Elections to the Lok Sabha 2019 and have assigned them polling duties, which is against directions dated 16/17.02.2010 (P-1).

Issue notice of motion.

On asking of the Court, Ms. Palika Monga, DAG Haryana accepts notice on behalf of the State and Mr. Namit Kumar, Advocate who is present in the Court accepts notice on behalf of Election Commission of India.

Petitioners are working as Assistant/Associate Professors in various subjects with respondent No. 3 and most of the petitioners are Group A i.e Haryana Education Services-I Officers.

The grievance of the petitioners before this Court is that as per instructions dated 16/17.02.2010 (P-1), the teaching staff of Universities, Colleges etc should not be drafted for "Polling Duties" in polling station

premises without specific reasons to be recorded in writing by the District Election Officer. Further vide order dated 26.03.2019 (P-3), respondent No. 4 has appointed many employees of much below levels in hierarchy than the petitioners including Group B and C employees in supervisory duties upon the petitioners.

Heard learned counsel for the parties.

In the present case, the petitioners are challenging letters/orders (Annexure P-2 colly) dated 19.04.2019/16.04.2019 whereby they have been appointed as Presiding Officers for the conduct of General Elections to the Lok Sabha 2019 and have been assigned polling duties. The Lok Sabha Elections are scheduled to be held on 12.05.2019. As per letter dated 19.04.2019 (P-2 colly), the petitioners have to undergo training process on 22/04/2019. The petitioners have already undergone training at this stage. The writ petition has been filed on 24.04.2019 and is come up for hearing today i.e 03.05.2019.

Keeping in view the fact that the Elections are going to be held on 12.05.2019 and the fact that the petitioners have already undergone training, therefore, at this stage no directions can be given to Election Commission to look into orders, as there is short time left for Election. The letters/orders (Annexure P-2 colly) dated 19.04.2019/16.04.2019 are in true spirit for the conduct of poll.

The writ petition stands dismissed.

May 03, 2019
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No