

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 210 of 2020**

Bhagwaniya Bai W/o Himmat Singh Aged About 57 Years Caste - Schedule
Tribe, R/o Village - Changari, Tahsil - Marwahi, District - Bilaspur
Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Nawa Raipur Atal Nagar, District - Raipur Chhattisgarh
2. Collector, Bilaspur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Sub - Divisional Officer (R), Pendra Road, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Tahsildar - Cum - Returning Officer (Panchayat), Marwahi, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Suresh Kumar Agariya, S/o Jagesar Agariya, Aged About 26 Years R/o Village - Changari, Tahsil - Marwahi, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
6. Chhattisgarh State Election Commission Through Its Secretary, Chhattisgarh State Election Commission, Near D.K.S. Bhawan, Old Mantralaya Road, Moti Bagh, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Malay Shrivastava, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG
For Res. No.6	:	Mr. R. S. Marhas, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/01/2020

1. Mr. R. S. Marhas, counsel for newly added respondent No.6 enters appearance.

2. Challenge in the present writ petition is to the action on the part of the Returning Officer in granting symbol to the respondent No.5 in spite of Returning Officer having at the first instance rejected his nomination papers.
3. At this juncture, this Court is of the opinion that the writ petition at this juncture challenging the electoral process would not be maintainable in view of the specific bar under Article 243 O of the Constitution of India.
4. Moreover, the remedy available to the petitioner is for raising an election petition under Election Petition Rules framed under the Chhattisgarh Panchayat Raj Adhiniyam, wherein in Rule 21 clearly envisages such a ground also be a ground for declaring the election to be void.
5. The view of this Court stands fortified in the judgement of the Hon'ble Supreme Court in the case of **Avtar Singh Hit Vs. Delhi Sikh Gurudwara Management Committee and others, (2006) 8 SCC 487** and also in the judgment of Division Bench of this Court in the case of **Manoj Kansari Vs. State of Chhattisgarh in WPC 3540/2019 & other connected cases** decided on 02.12.2019 have also held that the writ petitions at this juncture would not be maintainable.
6. Certified Copy Today.
7. With the aforesaid observations, the writ petition stands rejected.

Sd/-
(P. Sam Koshy)
Judge