

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 322 of 2020

1. Hasina Begam Jogwanshi, W/o Shivnarayan Jogwanshi, Aged About 63 Years, R/o Village- Newaspur, Post- Khurda, Tahsil And District : Bemetara, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through- Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District : Raipur, Chhattisgarh
2. The Chhattisgarh State Election Commission Through The Secretary, Near Dau Kalyan Singh Bhawan, Raipur, District : Raipur, Chhattisgarh
3. The District Election Officer (Panchayat / Collector) Bemetara, District : Bemetara, Chhattisgarh
4. The Returning Officer, Panchayat Election, Bemetara, District : Bemetara, Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Bemetara, District : Bemetara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shyam R. Jaiswal, Advocate
For State	:	Smt. Sunita Jain, Govt. Advocate
For Respondent No. 2	:	Mr. Aman Tamboli on behalf of Mr. Ranbir Singh Marhas, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.01.2020

1. The challenge in the present writ petition is the action on the part of the respondents in rejecting the nomination form of the petitioner for

the post of member of Janpad Panchayat, Ward No. 7, village-Newaspur, Post- Khurda, District – Bemetara.

2. At the outset, this Court is of the opinion that the writ petition is not maintainable in view of the express bar provided under Article 243 (O) of the Constitution of India. Moreover, there is a statutory remedy of filing an election petition available to petitioner under Section 122 of the Panchayat Raj Adhiniyam for improper rejection of nomination paper and improper acceptance of nomination is also a ground for declaring the election to be void under rule 21 of concerned Election Rules, 1995. Accordingly, this Court is of the opinion that the writ petition is not maintainable.
3. The view of this Court stands fortified from the decision of Supreme Court in the case of ***Avtar Singh Hit vs Delhi Sikh Gurudwara Management Committee and Others (2006) 8 SCC 487*** and recently the Division Bench of this Court in the case of ***Manoj Kansari vs. State of C.G.*** vide its judgment dated 02.12.2019 in WPC No. 3540 of 2019.
4. The writ petition accordingly stands rejected, reserving the right of the petitioner to avail other remedies under the statute.

**Sd/-
(P. Sam Koshy)
Judge**