HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 12534/2020

Mukhtyar Singh S/o Noor Mohd., Aged About 82 Years, R/o Tosina Tehsil Didwana Panchayat Samiti Maulasar District Nagaur Rajasthan. 341303

----Petitioner

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Panchayati Raj Jaipur Rajasthan.
2. The Chief Electoral Officer, Rajasthan, Jaipur.
3. The Distirct Collector, Nagaur District Rajasthan
4. The Sub Division Magistrate, Didwana District Nagaur, Rajasthan
5. The Supervisor Panchayat Samiti, General Election Nagaur District Nagaur, Rajasthan.
6. The Returning Officer, Samiti Maulasar District Nagaur Rajasthan.

----Respondents

For Petitioner(s) : Mr. Ripudaman Singh through V.C.
For Respondent(s) :

HON'BLE MR. JUSTICE ARUN BHANSALI

Order

04/12/2020

This writ petition has been filed by the petitioner seeking a direction to the Returning Officer for election to Panchayat Samiti – Molasar to accept his nomination form.

It is, inter alia, indicated in the writ petition that notification was issued on 27.10.2020 for the elections to the Panchayat Institutions. Pursuant thereto, on 04.11.2020, the programme was issued, wherein the last date for submission of the nomination form was 09.11.2020.

It is claimed that the petitioner approached the Returning Officer on 06.11.2020 alongwith his nomination form (Annex.-3), however, by indicating orally to the petitioner that as he was aged 81 years, deemed overage, his nomination form cannot be accepted and his form was refused to be accepted.

It is submitted that action of the Returning Officer in not even accepting the form is wholly illegal, inasmuch as, the petitioner is fully eligible in terms of the Rajasthan Panchayat Raj Act, 1994 to contest the election.

Submissions have been made that polling is scheduled for tomorrow and, therefore, the Returning Officer be directed to accept his nomination form and include the name of the petitioner in the ballot paper.

Learned counsel for the petitioner submits that as the petitioner is eligible and he has been denied the opportunity to contest the election illegally, whereby even his nomination form was refused to be accepted, the Returning Officer be directed in terms of the prayer made in the writ petition.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

As per the submissions made, apparently the petitioner approached the Returning Officer on 06.11.2020 with his nomination form (Annex.-3) and on the same day, it was refused to be accepted for allegedly incorrect reason and the polling is scheduled tomorrow.

Once the so called denial took place on 06.11.2020 and the last date for receipt of the nomination form was 09.11.2020, the prayer made by the petitioner, seeking a direction for accepting

the nomination form at this belated stage, wherein the date of polling is tomorrow only, cannot be accepted.

Besides the above fact, the very maintainability of the writ petition for the said prayer, once the last date of nomination has passed, is also debatable.

In view of the above, no case for issuing directions as prayed for in the writ petition is made out, the writ petition has no substance, the same is, therefore, dismissed.

(ARUN BHANSALI),J

59-PKS/-

RAJASTHAN HIGH COURT

