

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

**CWP No. 16400 of 2020 (O&M)
Date of Decision:05.01.2021**

Ritu Verma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. G.C. Sharma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India for declaring the election process electing members to the Haryana Medical Council to be null and void.

Counsel for the petitioner has been heard at length and pleadings on record have been perused.

During the course of hearing, it has gone uncontroverted that the petitioner was not a party to the election process that was conducted in the years 2017-2018 and the results of which were declared on 05.02.2018. It is projected on behalf of the petitioner that the instant writ petition is maintainable as she is a victim of certain decisions taken by the Haryana

Medical Council and which are to her detriment. Counsel further contends that it is thereafter the information had been sought under the provisions of the Right to Information Act and whereupon she discovered that the election process had been conducted in blatant violation of various provisions of the Punjab Medical Registration Rules.

In the considered view of this Court the instant petition is wholly misconceived and no interference is warranted.

Elections to the members of the Haryana Medical Council were conducted and results were declared on 05.02.2018. Counsel concedes that the tenure of the members is of three years. In other words the tenure is at the absolute fag end with only five weeks to go.

Rule 15 of the Punjab Medical Registration Rules 1917 reads in the following terms:-

“The State Government may, of its own motion, or on an objection made before it within six months after declaration of the election, declare any election that has been held to be void on account of corrupt practice or any sufficient cause and may call upon the electorate to make a fresh election. The decision of the State Government under this rule shall be final.”

Perusal of the afore-reproduced statutory provision makes it clear that the State Government could of its own motion or on an objection having been made within six months after declaration of the election, declare an election to be void on account of a corrupt practice or any sufficient cause and thereafter call upon the electorate to make a fresh election. The six

months time frame elapsed in the month of August 2018 itself. It is only at the stage when the tenure of the members of the Haryana Medical Council is on the verge of running out that the instant petition has been filed. The same as such cannot be entertained.

Even otherwise petitioner claims to be a victim of certain decisions taken by the Haryana Medical Council and which are arbitrary and illegal. Strangely such alleged decisions have not been assailed and put to challenge in the instant petition. Rather petitioner has chosen to challenge the election process itself which led to the members of the Haryana Medical Council being elected.

No ground for interference is made out.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

January 05, 2021

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No