

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

(PROCEEDINGS THROUGH V.C.)

221

CWP-2813-2019

Date of decision : 15.03.2022

Gurdeep Kaur

Petitioner

V/S

Punjab State Election Commission and others

Respondents

**CORAM : HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Sherry K. Singla, Advocate
for the appellant.

Ms. Anu Pal, D.A.G., Punjab.

Mr. B.P.S. Virk, Advocate
for respondent No.4.

RITU BAHRI, J. (ORAL)

The petitioner has filed the present petition under Articles 226/227 of the Constitution of India for setting aside the notification dated 05.01.2019 (Annexure P-2) issued by the office of respondent No.1-Punjab State Election Commission and respondent No.3-Deputy Commissioner, Hoshiarpur. The grievance of the petitioner is that in the said notification in the entry at Sr. No.6748 name of respondent No.6-Kulwant Kaur has been wrongly notified as Panch of Ward No.1, Gram Panchayat Gilzian, Block Tanda, District Hoshiarpur in place of name of the petitioner, who has been declared to be the elected Panch by respondent No.4-Returning Officer by declaration dated 30.12.2018

(Annexure P-1). The petitioner had also made representation dated

18.01.2019 (Annexure P-4) for making necessary correction in the notification dated 05.01.2019 as far as entry at Sr. No.6748 is concerned by replacing the name of petitioner against respondent No.6-Kulwant Kaur as elected Panch of Ward No.1, Gram Panchayat Gilzian, Block Tanda, District Hoshiarpur.

On 01.02.2019 notice of motion was issued.

Reply by way of affidavit dated 13.05.2019 of Amrinder Singh, Executive Engineer Kandi Area Dam Maintenance Division-cum-Returning Officer, District Hoshiarpur-respondent No. 4, has been filed. As per the said reply Amrinder Singh was appointed as Returning Officer for elections of Gram Panchayat by the Secretary, State Election Commission, Punjab vide letter dated 13.12.2018 and he was assigned the cluster of 10 villages. In paras No.4 and 5 it has been clarified that after declaring the result, Mr. Paramjit Singh (Senior Assistant), Presiding/Returning Officer, while preparing the list, i.e. Form No.9 and Annexure-IX, inadvertently by mistake mentioned in front of the name of candidate Kulwant Kaur (respondent No.6) to have secured 72 votes instead of 04 votes and in front of the name of candidate-Gurdeep Kaur (the petitioner) to have secured 04 votes instead of 72 votes and thereafter, the result prepared by Mr. Paramjit Singh, Presiding/Returning Officer, got signed by him from respondent No. 4 and the same incorrect result was sent to the higher authorities for issuance of notification. It is further stated that the mistake was inadvertent while preparing the list by Mr. Paramjit Singh (Senior Assistant), Presiding/Returning Officer, due to overload of the work and without any mala fide intention on his part.

Since the mistake has been admitted by Mr. Paramjit Singh, Returning Officer, the present petition is allowed, notification dated 05.01.2019 (Annexure P-2) is set aside qua entry at Sr. No.6748 and a direction is being given to respondent No.1-Punjab State Election Commission to carry out the correction in the notification dated 05.01.2019 and fresh notification with respect to the result of the petitioner be issued.

(RITU BAHRI)
JUDGE

15.03.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No