

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7364-2019

Date of decision 01.04.2022

Anshika

....Petitioner

vs.

State of Haryana and ors.

...Respondent

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

Present: Mr. J.S. Ahlawat, Advocate
for the petitioner.

Mr. Jagmohan Singh, Advocate for
Mr. Shokeen S. Verma, Advocate
for respondent No. 3

Mr. Ankur Mittal, Addl.A.G, Haryana with

The present writ petition has been filed seeking setting aside of order dated 25.01.2018 (P-1) whereby the Election Tribunal, Civil Judge (Sr.Divn), Kaithal has dismissed the election petition preferred by the petitioner challenging the election of respondent No. 3-Birmati for the post of Sarpanch, Gram Panchayat Ramana Ramani, held on 17.01.2016.

The petitioner is challenging the election of respondent No. 3-Birmati being in violation of Section 175 of Haryana Panchayati Raj Act, 1994 (for short 'Act 1994'), as respondent No. 3 is neither matriculate nor middle pass and thus lacked minimum educational qualification to be elected as Sarpanch, Gram Panchayat Ramana Ramani.

On notice of the petition, a short affidavit of Block Development and Panchayat Officer, Pundri has been filed on behalf of respondent No. 1 stating therein that the main dispute in the present petition is *inter se* between petitioner and respondent No. 3. The Election Tribunal while exercising its

order dated 25.01.2018 (P-1), rejecting the election petition of the petitioner.

Heard.

The petitioner is alleging that respondent No. 3 has annexed a fabricated mark sheet of 10th class issued by Board of Secondary Education Andhra Pradesh. A bare perusal of the impugned order shows that after due inquiry, respondent No. 3 was found eligible as she was 8th/middle pass/holding minimum educational qualification from a recognized Board/competent authority. The final report in FIR No. 433 dated 23.12.2016, P.S. Pundri Distt. Kaithal, Haryana transpiring respondent No. 3 as victim rather than an accused. It was the petitioner who had to prove that respondent No. 3 was ineligible to contest the election as per Act 1994, however, she was unable to lead any cogent evidence in this regard.

Further the election took place in the year 2016 and the term of the Sarpanch has expired in the year 2021. The respondent No. 3 was held to be eligible in view of Section 176 of the Act 1994 to be elected as Sarpanch. Even if the matriculation certificate of respondent No. 3 was not genuine, the minimum qualification was 'middle pass' from any recognized institution or Board'. Thus, the election petition of the petitioner was rightly dismissed, vide impugned order dated 25.01.2018 (P-1).

In view of the above, this petition is hereby dismissed.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

01.04.2022
G Arora

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