

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

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CWP-13447-2022

Decided on : 13.06.2022

Savita

... Petitioner

Versus

State of Haryana & others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE JASJIT SINGH BEDI**

Present: Mr. Fateh Saini, Advocate, for the petitioner.

Ms.Rajni Gupta, Addl.A.G., Haryana.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India, is to the order dated 06.06.2022 (Annexure P-3) whereby the nomination papers of the petitioner had been rejected. Said order reads as under:

“Keeping in view the clarification received from State Election Commission Haryana, Panchkula to this office vide letter No. SEC/1ME/2022/3056/Dated 03/06/2022, Nomination paper of Smt. Savita for ward No.13 is hereby Rejected as the name of the applicant in the electoral Roll is registered as Smt. Savita Whereas her name in education qualification certificate is Lalitesh.”

A perusal of Rule 85 of the Haryana Municipal Election Rules, 1978 would go on to show that if any nomination paper has been improperly rejected, the Tribunal shall declare the election of the returned candidate to be void. It is apparent that there is an alternative and efficacious remedy by way of filing a election petition before an authorized Tribunal. Unfortunately, this aspect has not been mentioned in the petition and rather a categoric averment has been made that there is no appeal/statutory revision which lies against the illegal action of the respondents. Similarly, it has been averred that there is

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no other alternative or efficacious remedy including the remedy of revision or appeal except to approach the High Court. The present petition is silent about the alternative or efficacious remedy which is available.

The law is very clear that in case the High Court is approached with unclean hands, the discretionary relief is not to be exercised. Reliance in regard to the alternative remedy can be placed upon the judgment of the Apex Court in **United Bank of India Vs. Satyawati Tondon & others, 2010 (8) SCC 110.**

In view of the above, we are of the considered opinion that the present writ petition is not maintainable and the same is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

June 13, 2022
sailsh

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No