

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.122 OF 2024

Unaided School's Forum C/o.

Gujarat Research Society & Ors.

...Petitioners

Versus

State Election Commissioner & Ors.

...Respondents

Mr. Mihir Desai, Senior Advocate a/w. Mr. Suraj Jadhav for the
Petitioners.

Mr. Pradeep Rajagopal a/w. Adv. Drishti Shah i/b. Ms. Rekha Rajagopal
for Respondent Nos.5 and 6.

Mr. Aditya P. Shirke i/b. Mr. Vishal P. Shirke for Respondent Nos.3 and 4.

Mr. B. V. Samant, Addl. G. P. a/w. Ms. T. N. Bhatia, AGP for Respondent-
State.

CORAM : A. S. CHANDURKAR,
JITENDRA JAIN, J.J.

DATE : 5th APRIL 2024.

P.C. :-

1. The challenge raised in this Writ Petition by the Petitioners, who are Unaided School's Forum, Independent English School's Association, Private Un-aided School's Association as well as Members of the International School's Association is to the communications dated 05.09.2023, 15.09.2023 and 01.11.2023 issued by the office of the Collector, Thane, that require the Petitioners to furnish information so as to indicate particulars of staff members for election duty during the ensuing General Elections-2024.

2. Since there is a reference in the impugned communications to the provisions of Section 32 of the Representation of the People Act, 1950 as well as Section 134 of the Representation of the People Act, 1951, which provide for penal action in case of non-compliance, the Petitioners have approached this Court. At the outset Mr. Mihir Desai, learned Senior Advocate for the Petitioners on instructions submits that a list of all the members of the Petitioners-Associations would be tendered in the office of the Collector, Thane by 6th April 2024. Statement is accepted.

3. After arguing the Writ Petition for some time, Mr. Mihir Desai, learned Senior Advocate for the Petitioners submitted that each Petitioner-Association would persuade its members to volunteer themselves for undertaking election duties on the dates scheduled. It is pointed that in the Affidavit-in-reply filed on behalf of Respondent No.2-Collector, the training sessions in that regard would be held on 06.04.2024 or 07.04.2024, 11.05.2024 or 12.05.2024 and 19.05.2024. This is besides the actual polling day which is 20.05.2024. Since, it was stated in the said Affidavit-in-reply that such services would be required on these days, all attempts would be made to persuade the members to volunteer accordingly.

4. At that stage, Mr. Pradeep Rajagopal, learned Advocate for Respondent Nos.5 and 6, on instructions, submits that no coercive steps are intended to be taken as apprehended by the members of the Petitioner-Associations in the matter and in fact as of date, no notice under Section 159 of the Act of 1951 had been issued.

5. In the light of this statement made on behalf of the Election Commission of India, we do not find in these facts that there is any reason to entertain the Writ Petition in light of the prayers made therein. The statement made on behalf Respondent Nos.5 and 6 takes care of the apprehension expressed on behalf of the members of the Petitioner-Associations.

6. In view of the aforesaid, Writ Petition is disposed of.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR, J.]