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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 13785/2024 & CM APPL. 57721/2024

DR. S.R SHARAN

.....Petitioner

Through: Mr. Subhash Chand Budhiraja,
Advocate.

versus

THE ELECTION COMMISSION OF INDIA
AND ANOTHER

.....Respondents

Through: Ms. Suruchi Suri, Standing
Counsel for ECI.
Mr. Tushar Sannu & Mr. Sahaj
Karan Singh, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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01.10.2024

1. The petitioner, who claims to be the president of a registered political party by name of “*Rashtriya Bahujan Congress Party*”, has filed this writ petition for allotment of permanent election symbol of sewing machine to the petitioner, which should not be allotted to any other person or any political party.

2. I have heard Mr. Subhash Chand Budhiraja, learned counsel for the petitioner and Ms. Suruchi Suri, learned Standing Counsel for respondent No. 2-Election Commission of India.

3. The allotment of election symbols is governed by the Election Symbols (Reservation and Allotment) Order, 1968 [hereinafter referred to



as “Symbols Order”]. The Symbols Order classifies political parties into two categories “recognised political party” and “un-recognised political party”. Recognised political parties are further classified into National parties and State parties. The conditions for recognition as a National parties and a State parties are enumerated in Clause 6B and 6A respectively of the Symbols Order. The allotment of reserved symbols is confined to National and State parties in Clause 8 of the Symbols Order. The judgment of the Supreme Court in *Subramanian Swamy vs. Election Commission of India* (2008) 14 SCC 318], also recognises that a reserved symbol is available only for a recognised political party.

4. The petitioner’s party is, admittedly, not a recognised party in either category.

5. The only contention of Mr. Budhiraja, is that the symbol of Sewing Machine was in fact allotted to the petitioner in two previous elections. Be that as it may, I find no basis in the Symbols Order for the petitioner to seek a reserved symbol permanently.

6. Having regard to the above, there is no merit in the present writ petition, which stands dismissed. All pending application also stands disposed of.

PRATEEK JALAN, J

OCTOBER 1, 2024

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