SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/223/2023 Vipin Kumar --Appellant **Versus** State of Uttarakhand and others --Respondents **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** Mr. Sagar Malara, Advocate, holding brief of Mr. Yogesh Pacholia, Advocate for the appellant. 2. Mr. Gajendra Tripathi, Standing Counsel for the State of Uttarakhand/ respondent nos. 1, 3 & 4. 3. Mr. Sanjay Bhatt, Advocate for respondent no. 2. 4. Mohd. Safdar, Advocate for respondent no. 5. **Delay Condonation Application (IA/1/2023)** 5. Reasons furnished in Delay Condonation Application are sufficient to condone the delay in filing this Special Appeal. Accordingly, Delay Condonation Application is allowed and the delay in filing the Special Appeal is condoned. 6. This intra-court appeal is directed against judgment dated 28.11.2022, rendered by learned Single Judge in

			WPMS/2996/2022. By the said judgment, writ petition filed by appellant was dismissed *in limine* by holding that appellant could not satisfy the Court that respondent no. 5 made any misrepresentation in the nomination papers by filing a school certificate, which was not issued to her. Impugned judgment is reproduced below for ready reference:- *"Learned counsel for the petitioner after arguing for ten minutes and referring various documents could not satisfy the court with that the respondent no. 5, in fact, made a misrepresentation in the nomination papers by filing a school certificate not issued to her.* *Hence, there is no reason to entertain the writ application. Hence, the writ application is dismissed in limine."* 7. In his writ petition, appellant sought a writ in the nature of mandamus to remove respondent no. 5 (Smt. Tahira) from the office of Gram Pradhan, Village Hakimpur Turra, Tehsil Bhagwanpur, District Haridwar, on the ground that respondent no. 5 enclosed a fake Junior High School Certificate alleged to have been issued by Principal, *Uchhtar Madhyamik Vidyalaya, Faridhan,* Khanpur, District Gazipur (Uttar Pradesh). 8. Since appellant could not substantiate his allegation before learned Single Judge, therefore, his writ petition is dismissed. 9. Mr. Gajendra Tripathi, learned

			Standing Counsel appearing for the State submits that, pursuant to the order passed by this Court on 27.07.2023, the matter was considered by District Panchayat Raj Officer, who after examining the documents/testimonials filed by respondent 5 with her nomination papers, found no discrepancy whatsoever there. Thus, learned State Counsel submits that if appellant has any grievance, then he should have challenged the order passed by District Panchayat Raj Officer, on 06.09.2023. 10. We find substance in the submission made by learned State Counsel. Since the competent authority after examining the testimonial/ documents enclosed by respondent no. 5 with her nomination has found everything in order, thus, there is hardly any scope for interference with the judgment rendered by learned Single Judge. 11. The Special Appeal is, therefore, dismissed. **(Subhash Upadhyay, .J.) (Manoj Kumar Tiwari, A.C.J.)** 23.11.2026 Navin NAVEEN CHANDRA