HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 21738/2026
CNR: RJHC021041792026 | URN: CW / 45615U / 2026

Anil S/o Ramjilal, Aged About 39 Years, Resident Of Shadka, Tehsil Laxmangarh, District Alwar (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Secretariate, Jaipur.
2. State Election Commission, Rajasthan, Jaipur.
3. Returning Officer, Member Of Election Of Panchayat Samiti, Laxmangarh (SDM Laxmangarh).
4. District Collector, Alwar.

----Respondents

For Petitioner(s)	:	Ms. Aradhana Swami
For Respondent(s)	:	Mr. Kapil Prakash Mathur, AAG with Ms. Simran Sharma and Mr. Shashwat Dhankhar

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HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

21/10/2026

1. The petitioner herein has filed the instant writ petition under Article 226 of the Constitution of India, being aggrieved by the rejection of his nomination paper by the respondent-Returning Officer on 17.10.2026 on, allegedly, incorrect and highly technical grounds. Therefore, has made the following prayer in the writ petition:-

> "(i) Issue an appropriate writ, order or direction, quashing and setting aside the action of the respondent No.3 Returning Officer in rejecting the nomination paper of the petitioner for election to the post of

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Member, Panchayat Samiti, Laxmangarh, District Alwar, Ward No. 4, in the Panchayati Raj General Elections, 2026, as being illegal, arbitrary, contrary to the applicable provisions of law and violative of the petitioner's legal rights;

(ii) Issue an appropriate writ, order or direction declaring that the petitioner's nomination paper could not lawfully have been rejected merely on account of the pendency of the criminal proceedings arising out of FIR No. 235/2018, Police Station Laxmangarh, District Alwar, without establishing the applicability statutory of the specific disqualification prescribed under the Rajasthan Panchayati Raj Act, 1994 and relevant governing election law;

(iii) Issue an appropriate writ, order or direction, direct the respondents to produce before this Hon'ble Court the original nomination paper alongwith supporting document, the scrutiny proceedings, the order rejecting the petitioner's nomination, the relevant election records and all documents relied upon by the Returning Officer while rejecting the petitioner's candidature, so as to enable this Hon'ble Court to examine the legality and validity of the impugned action;

(iv) Issue an appropriate writ, order or direction, direct the competent election authority to consider the petitioner's nomination in accordance with law and grant such consequential relief as may be legally permissible, including restoration of the petitioner's candidature, if the election process and governing law permit such relief;

(v) Issue an appropriate writ, order or direction declaring that the publication of the list of contesting candidates dated 17.10.2026, insofar as it is consequential to the illegal rejection of the petitioner's nomination, shall not by itself validate the impugned rejection, and pass such consequential orders as may be permissible in law and amended the election list by including the name of the petitioner for the election which is going to be held on 28.10.2026;

(vi) Any other order which this Hon'ble Court deems just and proper in the facts and circumstances of the case may also be given in favour of the Petitioner.

vii) Cost of the petition may kindly be awarded to the humble petitioner.”

2. Learned counsel Ms. Aradhana Swami submits that the petitioner filed his nomination paper for election to the post of Member, Panchayati Samiti, Laxmangarh, District Alwar, on 15.10.2026, within the prescribed time and in accordance with the election schedule issued by the Election Department, State of Rajasthan. Learned counsel further submits that during scrutiny of the nomination papers on 17.10.2026, the petitioner's nomination paper was rejected without any information being provided to him regarding the same. The petitioner came to know about the rejection only when his name did not appear in the final list of candidates eligible to contest the election. Immediately thereafter, he approached this Court by filing the present writ petition.

3. Learned counsel further submits that, in the column relating to disclosure of information related to criminal cases in the nomination form, the petitioner duly disclosed that FIR No. 235/2018 had been registered against him at Police Station Laxmangarh, District Alwar, for offences under Sections 420, 406 and 120-B of the Indian Penal Code, and that cognizance had been taken against him by the Court of ACJM, Laxmangarh, on 18.11.2021. It is submitted that the information furnished in the nomination form was correct in all respects, except the column relating to information whether charges had been framed or not, wherein the name of the Court and date of framing of charges as 18.11.2021 were inadvertently mentioned. Learned counsel submits that charges have not yet been framed against the petitioner and that the error occurred due to a bona fide human

mistake. She further submits that, upon coming to know of the rejection of his nomination paper, the petitioner immediately appeared before Returning Officer and furnished the requisite documents to establish that charges had not been framed against him uptil now. It is contended that the nomination paper has been wrongly rejected in violation of Section 19(gg) of the Rajasthan Panchayati Raj Act, 1994 (hereinafter referred to as 'the Act of 1994').

4. Learned counsel also submits that the instructions issued by the Chief Electoral Officer, Rajasthan, in relation to Assembly elections provide that minor technical or clerical errors should be avoided at the time of scrutiny of nomination papers so that eligible candidates are not deprived of the opportunity to contest elections. Accordingly, learned counsel prays that the writ petition may be allowed, the rejection of the petitioner's nomination paper may be set aside, and the petitioner may be permitted to contest the forthcoming election scheduled to be held on 28.10.2026.

5. Per contra, learned Additional Advocate General Mr. Kapil Prakash Mathur strongly opposes the submissions made on behalf of the petitioner and submits that the present writ petition is not maintainable in view of the constitutional bar contained in Article 243-O of the Constitution of India, Section 117-(b) of the Act of 1994 and Rule 80 of the Rajasthan Panchayati Raj Election Rules, 1994. He submits that the Constitution and the relevant statutory provisions specifically bar interference by the Court once the election process has commenced.

6. In support of his submissions, learned Additional Advocate General relies upon the judgment of the Hon'ble Supreme Court passed in *N.P. Ponnuswami v. Union of India*, reported in 1952 (1) SCC 94, as well as the judgments passed by the co-ordinate Bench of this Court in *Kanhaiya Lal v. State Election Commission*, in S.B. Civil Writ Petition No. 18316/2026, and *Hemant Kumar Agarwal v. The Election Officer, State of Rajasthan and Others*, in S.B. Civil Writ Petition No. 17960/2026, decided vide order dated 03.09.2026.

7. Apart from that, as far as the nomination form is concerned, he submits that admittedly in the column of the nomination form seeking information regarding the framing of the charges, the petitioner himself mentioned the name of the Court and date of framing of charges as 18.11.2021, which shows that the petitioner was fully aware about the information, filled in the nomination form and now even by submission of any additional documents, same cannot be allowed to be corrected, therefore, he cannot be allowed to participate in the election process. In addition, he further submitted that even assuming, without admitting, that the nomination paper was improperly rejected, the petitioner has a remedy of filing an election petition under Rule 80 of the Rajasthan Panchayati Raj Election Rules, 1994, after the conclusion of the election, within the prescribed period of 30 days from the date of declaration of the result. In view of the constitutional and statutory provisions and the law settled by the Hon'ble Supreme Court and this Hon’ble High Court in a catena of

judgments, therefore, learned Additional Advocate General prays that the writ petition may be dismissed.

8. Heard learned counsel for the parties and perused the material available on record.

9. This Court noted that the notification for the elections for Panchayati Raj Elections in the State of Rajasthan was issued on 03.10.2026, followed by an amended notification dated 06.10.2026. For the second phase of election, for which petitioner was one of the aspiring candidate, he submitted his nomination form on 15.10.2026. Scrutiny of the nomination form was conducted by Returning Officer on 17.10.2026.

10. The Returning Officer, at the time of scrutiny of the nomination form, noted that in the Column relating to framing of the charges, the petitioner had mentioned the name of the Court and did not mention the correct information whether the charges have been framed or not. While considering the arguments advanced by learned counsel for the petitioner that the entry was made due to a human error, this Court also noted that, in the separate column seeking information regarding the date of framing of charges, the petitioner mentioned the date of framing of the charges as 18.11.2021, on account of which the Returning Officer rejected his nomination form. In case the petitioner is aggrieved by the alleged improper rejection of his nomination form, he may, if so advised, file an election petition after the conclusion of the elections in terms of Rule 80 of the Rajasthan Panchayati Raj Election Rules, 1994.

11. Apart from the above, the provisions of the Constitution of India, more particularly Article 243-O and Section 117 of the Act of 1994, bar interference by Courts in the elections once it has commenced after notification, and the only remedy available is to file an election petition in terms of Rule 80, as noted above. The law relating to elections and interference by Courts was first settled by the Hon'ble Apex Court in the case of **N.P. Ponnuswami** (supra), wherein the issue concerned was the improper or illegal rejection of the petitioner's nomination form. The Hon'ble Court specifically held that the law does not provide two parallel remedies, namely, filing a writ petition and filing an election petition for the same grievance.

12. In view of the bar created under Article 243-O and 117 of the Act of 1994 and the only remedy of filing the election petition under Rule 80 while considering the judgments passed in the case of **N.P. Ponnuswami** (supra) and the above noted judgment passed by the co-ordinate Bench of this Court, this Court, is not inclined to exercise its power under Section 226 of the Constitution of India in the present case.

13. In view of the above, the writ petition is dismissed.

14. All pending application if any, also stands disposed of.

(RAVI CHIRANIA),J

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