



**STATE ELECTION COMMISSION, HARYANA
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NO. SEC/4E-II/2022/4696

Dated: 1st November, 2022

NOTIFICATION

Whereas the State Election Commission, Haryana vide notification No. SEC/4E-II/2022/3064, dated 07.10.2022 had announced schedule for conduct of general elections of Panches and Sarpanches of all Gram Panchayats and Members of all Panchayat Samitis and Zila Parishads in ten districts namely Bhiwani, Fatehabad, Jhajjar, Jind Kaithal, Mahendergarh, Nuh, Panchkula, Panipat and Yamuna Nagar. This also included for the post of Sarpanch, Gram Panchayat Assoda Siwan, Block Bahadurgarh, district Jhajjar. Later on schedule for elections of Panchayati Raj Institutions in Fatehabad district was withdrawn vide notification No. SEC/4E-II/2022/3274 dated 08.10.2022. According to the notification dated 07.10.2022, notice for inviting nominations under rule 24 of the Haryana Panchayati Raj Election Rules, 1994 was published by the concerned Deputy Commissioners on 08.10.2022. Nominations were presented between 14.10.2022 to 19.10.2022, scrutiny of nominations received was done by the Returning Officers concerned on 20.10.2022 and withdrawal of candidature was on 21.10.2022. Election symbols were allotted to the contesting candidates on the same day after preparation of final list of candidates who remained in fray. Polling for members, Zila Parishad and Panchayat Samitis in nine districts has been held on 30.10.2022 and polling for election for the posts of Sarpanches and Panches is scheduled to be held on 02.11.2022.

2. Whereas, the Deputy Commissioner, Jhajjar vide his memo No.4949, dated 01.11.2022 has informed that four nominations namely of Sh.Om Parkash s/o Sh.Hoshiyaar Singh, Sh.Sandeep Kumar s/o Sh.Om Parkash, Sh.Vinod s/o Sh.Sunder Lal and Sh.Raki s/o Sh.Vinod were received for the post of Sarpanch from Gram Panchayat Assoda Siwan, Block Bahadurgarh district

Jhajjar. Out of these four nominations, two nominations i.e. of Sh.Vinod s/o Sh.Sunder Lal and Sh.Raki s/o Sh.Vinod were rejected by Shri Sandeep, Returning Officer of Assoda Siwan. One candidate, Sh. Om Parkash s/o Sh.Hoshiyaar Singh withdrew his nomination on 21.10.2022 and thus only one candidate Sh.Sandeep Kumar s/o Sh.Om Parkash was left in fray and he has been declared as elected unopposed for the post of Sarpanch of Gram Panchayat Assoda Siwan, Block Bahadurgarh, district Jhajjar by the Returning Officer concerned.

3. The Deputy Commissioner, Jhajjar has further informed that Sh.Vinod s/o Sh.Sunder Lal, candidate for the post of Sarpanch, whose nomination was rejected has filed a CWP No.24930 of 2022, 'Vinod versus State of Haryana and others' in the Hon'ble Punjab and Haryana High Court. The Hon'ble Punjab and Haryana High Court, Chandigarh vide its order in the above CWP dated 01.11.2022, has directed the Returning Officer to accept his nomination.

3. The Deputy Commissioner has further informed that Sh.Sandeep Kumar s/o Om Parkash has been declared as unopposed for the post of Sarpanch from Gram Panchayat Assoda Siwan, due to rejection of nominations of Sh. Vinod s/o Sh. Sunder Lal and Sh.Raki s/o Sh.Vinod and withdrawal of nomination by Sh. Om Parkash s/o Sh.Hoshiyaar Singh as explained above. He has sought guidance/advice in the matter in view of order dated 01.11.2022 passed by the Hon'ble Punjab and Haryana High Court in this writ petition directed the Returning Officer to accept nomination of the petitioner Sh. Vinod Kumar, he has further informed that at this stage if the nomination of Shri Vinod Kumar for the post of Sarpanch of Gram Panchayat Assoda Siwan is accepted in compliance with the directions of the Hon'ble High Court, then it would not be possible to give sufficient time for canvassing to the Petitioner and Shri Sandeep Kumar s/o Shri Om Parkash who has been declared elected as unopposed. Further the polling parties have already been dispatched for conduct of polling and accordingly he has sought advice/guidance in the matter.

4. The Hon'ble Punjab and Haryana High Court in CWP No.24930 of 2022 Vinod versus State of Haryana & others on dated 01.11.2022 has passed the following orders :-

"The petitioner has referred to the letter dated 09.02.2015 (Annexure P8) where the Chattisgarh Secondary Education Commission has issued a letter to the extent that students who have obtained certificate(s) between 07.11.2012 to 10.03.2014 should not be refused for study in higher class and to participate in the higher class examination. The petitioner has placed on record the matriculation certificate (Annexure P4) which was issued on 25.02.2014. It is further brought to the notice of the Court that he had earliest contested the election on the basis of same certificate.

Keeping in view the said letter (Annexure P8), the petitioner's nomination papers cannot be rejected as his matriculation certificate was valid for higher studies as per (Annexure 8).

Adjourned to 13.12.2022,

In the meanwhile, nomination paper of the petitioner be accepted by concerned Returning Officer."

5. Whereas clause (vi) of subrule (2) of rule 24 of the Haryana Panchayati Raj Election Rules, 1994 provides as under:

"24. Fixation of various stages of elections (2) The District Election Officer (Panchayat) shall by notice in Form 2 or 3, which shall be published at least five clear days before the first day fixed for making nominations, shall specify the date or dates, on, by or within which,

(vi) the poll shall be held;

Provided that the date of poll shall not be earlier than the seventh day after the last date fixed for the withdrawal of the candidatures"

6. Whereas election symbols has been allotted to the contesting candidates on the date of withdrawal of the candidatures i.e. on 21.10.2022 where the elections has to be held on 02.11.2022 as per notification issued by the State Election Commission, Haryana referred above, but in the present case no election symbols have been allotted to the contesting candidates being declared the result of the election as unopposed and no sufficient time of canvassing could be given to the Petitioner and the another candidate who has been declared as unopposed. Further the polling parties have been dispatched for the conduct of polling in all Gram Panchayats in nine districts where the poll has to be held on 02.11.2022 including Gram Panchayat Assoda Siwan.

7. In view of the above facts and circumstances of the case I, Dhanpat Singh, State Election Commissioner, Haryana in exercise of powers enabling me under clause 1 of article 243K of the Constitution of India, sub-section (1) of section 161 and sub-section (2) of section 211 of the Haryana Panchayati Raj Act, 1994, rule 24 of the Haryana Panchayati Raj Election Rules, 1994 and all other powers enabling me in this behalf and in compliance with the directions of the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No.24930 of 2022 orders dated 01.11.2022 hereby order :

- i) to issue notice to Shri Sandeep Kumar s/o Shri Om Parkash who has been declared elected unopposed for the post of Sarpanch, Gram Panchayat Assoda Siwan, Block Bahadurgarh, district Jhajjar as why his election result may not be cancelled and re-election held in terms of directions dated 01.11.2022 of the Hon'ble High Court in CWP No. 24930 of 2022 'Vinod versus State of Haryana & others'.
- ii) to accept nomination paper of Shri Vinod s/o Shri Sundar Lal for election for the post of Sarpanch of Gram Panchayat Assoda Siwan, Block Bahadurgarh, district Jhajjar.
- iii) Keep poll for the post of Sarpanch, Gram Panchayat Assoda Siwan, Block Bahadurgarh, district Jhajjar which is scheduled to be held on 02.11.2022 in abeyance for the time being. Revised schedule will be issued in due course.


DHANPAT SINGH
State Election Commissioner, Haryana


Endst.No.SEC/4E-II/2022/4697-4702

Dated: 01st November, 2022

A copy is forwarded to:-

1. The Chief Secretary to Govt. of Haryana, Chandigarh.
2. The Principal Secretary to Govt. of Haryana, Development & Panchayat Department, Chandigarh.
3. The Director, Development & Panchayats Department, Haryana, Chandigarh.
4. The Deputy Commissioner-cum-District Election Officer (Panchayat), Jhajjar. A copy of the same may be provided to all the concerned candidates.
5. The District Development & Panchayat Officer, Jhajjar.
6. A copy is forwarded to the Controller, Printing and Stationery, Haryana, Chandigarh for publication in the Haryana Gazette.


Assistant State Election Commissioner,
For State Election Commissioner, Haryana,
Panchkula


11/11/22