



**STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, SECTOR- 17
PANCHKULA- 134109**

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NO. SEC/4E-II/2022/4703

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 of Gram Panchayat Khodma, Block Narnaul, District Narnaul. Later on schedule for elections of Panchayati Raj Institutions in Fatehabad district was withdrawn vide notification No. SEC/4E-II/2022/3274 dated 08.10.2022.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, Mahendergarh vide his memo No.3843, dated 01.11.2022 has informed that Sh.Bahadur Singh s/o Sh.Richpal, Village Khodma, Block Narnaul had filed nomination for the post of Sarpanch, Gram Panchayat Khodma, however the said nomination was rejected by Sh.Teerth Raj Sharma, Returning Officer, Gram Panchayat Khodma on the

ground that the certificate submitted by Sh.Bahadur Singh do not depict the roll number and marks obtained by him.

3. The Deputy Commissioner has informed that Sh.Bahadur Singh filed a CWP No.24814 of 2022 'Bahadur Singh Vs. State of Haryana and others' in the Hon'ble Punjab and Haryana High Court, Chandigarh. The Hon'ble High Court vide its order dated 28.10.2022 has stayed the operation of the speaking order dated 21.10.2022 (Annexure P-5) passed by the Returning Officer vide which nomination of the petitioner had been rejected.

4. It has been further informed by the Deputy Commissioner, Narnaul that the State had filed an SLP in the Hon'ble Supreme Court of India vide diary No. 34457 of 2022, which has been disposed off on 01.11.2022. The orders dated 28.10.2022 passed by the Hon'ble Punjab and Haryana High Court in CWP No.24814 of 2022 are reproduced below:-

"Present : Mr.Vikram Singh, Advocate,
for petitioner.

Learned counsel for the petitioner, while referring to the transfer certificate dated 15.03.2021(Annexure-P-6) contends that the duplicate certificate, which was given by the petitioner along with his nomination papers did not depict the roll number and the marks obtained by him and as per Rule 30(4) of the Haryana Panchayati Raj Election Rules, 1994, the Returning Officer could have given him time till next time till next date to produce the correct certificate. The petitioner, accordingly, got the certificate on 21.10.2022 (Annexure-P-8) and as per this certificate; he had passed the matriculation examination in March, 1975. After making application dated 21.10.2022 (AnnexureP-7), the petitioner was given certificate (Annexure P-8) on that date itself. He further contends that in this backdrop, his nomination has been wrongly rejected by the respondents.

Notice of motion.

On the asking of the Court, Mr.Ankur Mittal, Addl. A.G., Haryana accepts notice on behalf of respondent-State and refers to the judgment passed by Hon'ble the Supreme Court in N.P.Ponnuswami vs. The Returning Officer, Namakhal Constituency, Namakhal, Salem Dist., and others, 1952 AIR (Supreme Court) 64, on the proposition that once the election process starts, the Court cannot interfere in the said process under Article 226 of the Constitution of India. He further contends that the certificate dated 21.08.2022 (Annexure P-*) could not be handed over to the Returning Officer as after 20.10.2022, he had become functus officio.

Adjourned to 29.11.2022.

In the meantime, operation of the impugned order dated 21.10.2022 (Annexure P-5) shall remain stayed.”

5. Whereas it has further been informed by the Deputy Commissioner-cum-District Election Officer (Panchayat), Narnaul that Sh.Bahadur Singh has submitted an affidavit stating that the Hon'ble Punjab and Haryana High Court vide its orders dated 28.10.2022 has given the judgement in his favour. He has stated that as per rules he should be at serial no.2 of the ballot paper, however, since it would affect the other candidates so he has no objection to be at serial no. 4 of the ballot paper with election symbol 'Handpump'.

6. In this regard, it is submitted that clause (vi) of sub-rule (2) of rule 24 of the Haryana Panchayati 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.

7. Whereas election symbols have been allotted to the contesting candidates on the date of withdrawal of the candidature i.e. on 21.10.2022 where the polling is to be held on 02.11.2022 as per notification dated 07.10.2022 issued by the State Election Commission, Haryana as referred to above. Now, if in compliance with the order dated 28.10.2022 passed by the Hon'ble High Court in CWP No.24814 of 2022, nomination of Sh.Bahadur Singh s/o Sh.Richpal for election for the post of Sarpanch of Gram Panchayat Khodma is to be accepted, the whole process for election for this post will have to be revised so as to allot election symbol to the petitioner and sufficient time for canvassing etc. Since the polling party have already been reached, the polling booth in village Khodma with EVM, the EVM will have to be reset to include the petitioner as one of the candidate.

8. 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..24814 of 2022 orders dated 28.10.2022 hereby order:-

- i) to issue notice to all the other three contesting candidates for the post of Sarpanch, Gram Panchayat Khodma for re-election to be held in terms of the directions dated 28.10.2022 of the Hon'ble High Court in CWP No. 24814 of 2022.
- ii) to accept nomination papers of Sh.Bahadur Singh s/o Sh.Richpal for the post of Sarpanch of Gram Panchayat Khodma, Block Narnaul, district Narnaul.
- iii) to keep poll for the post of Sarpanch of Gram Panchayat Khodma, Block Narnaul, district Narnaul which is scheduled to be held on 02.11.2022 in abeyance for the time being. Revised schedule will be issued in due course.

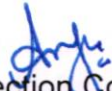
DHANPAT SINGH
State Election Commissioner, Haryana


Endst.No.SEC/4E-II/2022/4704-4709

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), Narnaul.
5. The District Development & Panchayat Officer, Narnaul with the request to provide a copy of the above order to all concerned including all candidates and the petitioner.
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


1/11/22