



**STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, SECTOR- 17
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NO. SEC/4E-II/2022/6234

Dated: 23rd November, 2022

NOTIFICATION

Whereas the State Election Commission, Haryana vide notification No. SEC/4E-II/2022/4332, dated 28.10.2022 had announced schedule for conduct of general elections for the posts of Panches and Sarpanches of all Gram Panchayats and Members of all Panchayat Samitis and Zila Parishads in four districts, namely, Faridabad, Fatehabad, Hisar and Palwal which also included Gram Panchayat Jevara, Block Barwala, district Hisar. According to the notification dated 28.10.2022, notice for inviting nominations under rule 24 of the Haryana Panchayati Raj Election Rules, 1994 was published by the concerned Deputy Commissioners on 29.10.2022. Nominations were presented between 05.11.2022 to 11.11.2022, scrutiny of nominations was done by the Returning Officers concerned on 12.11.2022 and withdrawal of candidature was on 14.11.2022. 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 these four districts has been held on 22.11.2022 and polling for election for the posts of Sarpanches and Panches in these four districts is scheduled to be held on 25.11.2022.

2. Whereas, the Deputy Commissioner, Hisar vide his memo No.Election/2022/8775, dated 19.11.2022 has informed that a CWP No.26151 of 2022 Sheela Devi versus State of Haryana and others has been filed in the Hon'ble Punjab and Haryana High Court in which Hon'ble High Court has passed the following orders on 16.11.2022:-

“Learned State counsel has informed that tomorrow the petitioner will appear in the office of Deputy Commissioner, Hisar at 11.30 A.M. and he will produce necessary documents with respect to acceptance of nomination form after the schedule time and necessary enquiry shall be conducted by associating the officials as well and enquiry report will be submitted before this Court by Monday.

Adjourned to 21.11.2022”

3. It has been further informed that as per orders of the Hon'ble High Court, the matter was got enquired through the Additional Deputy Commissioner, Hisar who in his report dated 18.11.2022 has informed that the petitioner Smt.Sheela Devi has stated that on dated 11.11.2022 at 3:10 PM Smt.Pinki w/o

Amit went to file her nomination for the post of Sarpanch Gram Panchayat, Jevara in Government High School, Jevara. As per instructions of the State Election Commission, Haryana the nomination forms were required to be presented up to 3.00 P.M. on 11.11.2022 and nomination form of Smt. Pinki was not received by Sh. Ashok Kumar, Assistant Returning Officer as it was beyond the prescribed time limit. She has also stated that Smt.Usha Rani w/o Dilbagh Singh who also appeared before the Assistant Returning Officer to file her nomination on 11.11.2022 at 3.30 P.M., she was also not allowed to file her nomination and the Assistant Returning Officer Gram Panchayat Javera left the school with names of seven candidates at 4.30 P.M. They got the information at 8.30 P.M. on the same day that nomination of Smt.Usha Rani w/o Dilbagh Singh has been received by the Assistant Returning Officer although she had submitted her nomination after 3.00 PM.

4. The Additional Deputy Commissioner, Hisar in his report has further informed that as per the video clip of the nomination register shown by the complainant, name of Kamlesh Rani w/o Rajender was written as the last candidate whose nomination time was 2.40 P.M. on 11.11.2022 and at that time name of Usha Rani w/o Dilbagh was not there on the nomination register which clearly shows that the nomination of Usha Rani w/o Dilbagh was received at 4.30 P.M. on 11.11.2022 i.e. after the scheduled time.

5. The Hon'ble Punjab and Haryana High Court vide dated 21.11.2022 has passed the following orders:-

“Petitioner is seeking cancellation of the candidature of respondent No.6, who is contesting the election for the post of Sarpanch, Village Jevra, Tehsil Barwala, District Hisar on ground that she submitted her application form after the closing date and time as per notification dated 28.10.2022 (Annexure P-1)

Upon notice, short reply by way of affidavit dated 19.11.2022 of the Deputy Commissioner, Hisar, has been filed on behalf of respondent No.3. Same is taken on record. As per this reply, pursuant to the order dated 16.11.2022 passed by this Court, Additional Deputy Commissioner, Hisar was directed to conduct an enquiry in this matter. After conducting the enquiry, the Additional Deputy Commissioner, Hisar submitted his enquiry report dated 18.11.2022 (Annexure R-1), wherein it was concluded that nomination form of respondent No.6-Smt.Usha Rani wife of Dilbag Singh, resident of village Jevra was received on 11.11.2022 after 4.30 P.M. i.e. after the scheduled time. The said enquiry report has been forwarded to the State Election Commission, Haryana vide letter dated 19.11.2022 (Annexure R-2). It was further stated that further action in the matter will be taken by the State Election Commission, Haryana.

Keeping in view the above reply, no further orders are required to be passed in this petition.

Disposed of accordingly.”

6. The State Election Commission, Haryana vide its notification dated 28.10.2022 referred to above had prescribed the date and time for presenting the nomination i.e. 05.11.2022 to 11.11.2022 between 10.00AM to 03.00 PM but in the present case Smt. Usha Rani w/o Dilbagh Singh had filed her nomination beyond the prescribed time limit and Assistant Returning Officer had allowed to file her nomination and violated the instruction of the State Election Commission, Haryana.

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 dated 21.11.2022 of the Hon'ble High Court of Punjab and Haryana at Chandigarh passed in CWP No.26151 of 2022, fully agree with the enquiry report sent by the Deputy Commissioner-cum-District Election Officer(P), Hisar and hereby order as under :-

- i) the nomination paper of Usha Rani w/o Dilbag Singh shall be rejected by the Returning Officer, which was received on 11.11.2022 at 4.30 P.M. i.e. after the scheduled time prescribed by the State Election Commission, Haryana.
- ii) revised list of the contesting candidates shall be prepared.
- iii) election symbols already allotted to the contesting candidates shall not be disturbed.
- iv) the election for the post of Sarpanch, Gram Panchayat Jevra shall be held on scheduled date i.e. 25.11.2022.
- v) the ballot papers for the post of Sarpanch, Gram Panchayat, Jevra shall be got printed afresh from the Haryana Government Press, Chandigarh, deleting the first election symbol (cycle) allotted to Usha Rani w/o Dilbagh from the ballot papers by relaxing the provision of free symbol provided in the Haryana Panchayati Raj Election Symbols (Reservation and Allotment) Order, 2014 issued by the State Election Commission vide order dated 13.03.2014
- vi) to issue notice to all the contesting candidates for the post of Sarpanch, Gram Panchayat, Jevra informing them the change in the serial number in the ballot paper.
- vii) disciplinary action shall be taken against Sh. Ashok Kumar, Assistant Returning Officer.


DHANPAT SINGH
State Election Commissioner, Haryana

Endst.No.SEC/4E-II/2022/6235-6240

Dated: 23rd 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), Hisar.
A copy of the same may be provided to all the concerned candidates.
5. The District Development & Panchayat Officer, Hisar.
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

23/11/22