

(2005) 02 KAR CK 0020
In the Karnataka High Court
Case No : Writ Petition No. 9241 of 2005

Aswin C. Patil

APPELLANT

Vs

Karnataka Election Commissioner and Another

RESPONDENT

Date of Decision : 25-02-2005

Acts Referred:

Citation : (2005) ILR (Kar) 2279 : (2005) 3 KarLJ 619 : (2005) 3 KCCR 159 SN

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : Girish B. Baladare, for the Appellant; K.N. Phanindra, for the Respondent

Final Decision : Dismissed

Judgement

V. Gopala Gowda, J.—Since this Writ Petition can be disposed of at the preliminary hearing stage itself, Sri K.N. Phanindra is directed to take notice on behalf of first respondent.

2. Heard the learned counsel for the parties.

3. The petitioner is seeking a direction to the respondents to postpone the election or the KPSC examination as the same are scheduled on the same day. The grievance of the petitioner is that he is appearing for the examination conducted by the 2nd respondents for Groups "A" and "B" posts and therefore he cannot cast his vote.

4. The prayer sought for by the petitioner cannot be granted for more than one reason. As per the Deccan Herald Newspaper Annexure-A dated 5-2-2005, it is published that elections in Gadag and Haveri Districts have been postponed to 27-2-2005. But the petitioner has filed this writ petition only today (25-5-2005). If really the petitioner was aggrieved, he should have approached this Court immediately after the news item in Annexure-A. Every arrangements have been made to conduct the elections and the examinations. Hence, both the process cannot be stalled at this juncture. Interference at this juncture will result in

heavy loss to the exchequer and also inconvenience and hardship to the other students and the voters as also the staff involved for carrying out the two events.

5. Examination will be conducted by KPSC with a fixed timing. The petitioner may cast his vote either before the commencement of the examination or after attending the examination. In case he is unable to cast his vote on either way, he has to chose to attend any one either write the examination or cast vote in the election. The scheduled processes cannot be postponed because of a single person the petitioner. For the sake of the convenience of the petitioner, this Court cannot direct postponement of either of the events.

6. Writ Petition is frivolous and the same is liable to be dismissed for that reason and also on account of delay and laches.

7. Accordingly, the Writ Petition is dismissed.

8. Mr. K.N. Phanindra is permitted to file memo of appearance in two weeks.