
(1985) 09 RAJ CK 0068
In the Rajasthan High Court
Case No : Civil Writ Petition No. 33 of 1983

Bajrang Lal Verma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 18-09-1985

Acts Referred:

Constitution of India, 1950 — Article 12

Citation : (1986) RLW 14 : (1985) 2 WLN 662

Hon'ble Judges : Narendra Mohan Kasliwal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Narendra Mohan Kasliwal, J.—The petitioner has filed this writ of quo warranto for a declaration that the election of respondent No. 4 as Ward Member of Ward No. 13 of the Municipal Board, Chirawa held on February 14, 1982, to be declared null and void. The only ground taken by the petitioner is that the respondent No. 4 is employed in the Rajasthan State Electricity Board and as such is disqualified u/s 26 of the Rajasthan Municipalities Act, 1959 (here in after referred to as "the Act").

2 The Rajasthan State Electricity Board is a statutory body registered under the Electricity (Supply) Act, 1948. Section 26 of the Act disqualifies a person who holds a salaried or part-time appointment in the Central or State Government or a focal authority. The Rajasthan State Electricity Board can not be said to be a Central Government or State Government or a Local Authority. Mr. Choudhary, learned counsel for the petitioner submitted that the Rajasthan State Electricity Board has been considered as a State by the Supreme Court in Rajasthan State Electricity Board, Jaipur Vs. Mohan Lal and Others, . The Supreme Court in the above case had considered the meaning of State under Article 12 of the Constitution of India and under that Article it was held that the Rajasthan State Electricity Board is State within the meaning of that Article. The above authority as such can not lend any assistance to the interpretation of Section 26 of the Act.

u/s 26 of the Act the disqualification relates to a person, who holds a salaried or part-time appointment in the Central Government or State Government or Local Authority. The Rajasthan State Electricity Board cannot be considered as a State Government within the meaning of Section 26 of the Act. In view of these circumstances, there is no force in this writ petition and it is accordingly dismissed.