
(2020) 01 UK CK 0027

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 3244 Of 2019

Dr. Kedar Palariya

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 07-01-2020

Acts Referred:

Citation : (2020) 01 UK CK 0027

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Amar Shukla, Pushpa Bhatt, Anjali Bhargava, V.S. Rawat

Final Decision : Disposed Of

Judgement

Sudhanshu Dhulia, J

1. The petitioner before this Court has challenged the educational qualification of respondent no. 6 Sri Prem Ballabh, who has been elected as a member of Zila Panchayat from 26th Amritpur Constituency, District Nainital.
2. One of the essential conditions for a candidate to be elected as a member of Zila Panchayat is that he must be high school from a recognized board.
3. The petitioner has challenged the candidature of the private respondent no. 6 on ground that the private respondent no. 6 has not done his high school from a recognized board.
4. Admittedly, the private respondent no. 6 has done his high school from the Council of Secondary Education, Mohali.
5. This Court vide its order dated 06.12.2019 had directed the Secretary, School Education to file an affidavit stating as to whether the Council of Secondary Education, Mohali/respondent no. 5 has recognition from the State of Uttarakhand or from the Central Government or its equivalent.

6. Pursuant to the order dated 06.12.2019 passed by this Court, the Secretary, School Education has now filed an affidavit before this Court, where in

paragraph no. 3, it has been stated as under:-

3. That it is stated here that on the basis of the records of School Education Council Ramnagar Board, the Secretary School Education Council,

Ramnagar Board clarified/informed that the Council of Secondary Education, Mohali is not in the list annexed under Chapter 12 Regulation 14

(Intermediate) and Chapter 14 and Regulation 12 (Equivalent to High School). It is further submitted here that the name of the Council of the

Secondary Education, Mohali is not also in the membership list (booklet) of Council of Board of School Education in India. True/correct typed

version/photocopies of the relevant extract of Chapter 12, Chapter 14 and the Telephone Directory of the Council Board of School Education in India

are being filed herewith and marked as Annexure No.1, 2 & 3 to this affidavit.

7. Evidently, the qualification of the private respondent no. 6 is not recognized in the State of Uttarakhand as equivalent to High School. However, this

fact shall be considered by the concerned authority or the Election Tribunal in an election petition, in case such an election petition is filed by the

petitioner.

8. With the above findings, the writ petition is disposed of.