

(2010) 01 RAJ CK 0025
In the Rajasthan High Court

Radhey Shyam Yogi

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 20-01-2010

Acts Referred:

Rajasthan Panchayati Raj Act, 1994 — Section 19

Citation : (2010) 1 WLN 507

Hon'ble Judges : Raghvendra S. Chauhan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.S. Chouhan, J.—The learned Counsel for the petitioner contends that despite the fact that his wife had undergone a sterilization operation in the year 2006, she had become pregnant in the year 2008. On 17.08.2008, she delivered a girl child. The petitioner already had two children. Therefore, he has three children after the cut off date i.e. November 27, 1995. Since the petitioner is desirous to contest the panchayat election, he is apprehensive that he may be declared disqualified due to the fact that he has more than two children. Hence, this petition before this Court.

2. It is the case of the petitioner that since the third child was born due to failure of sterilization operation, he should not be declared as disqualified to contest the election.

3. Heard the learned Counsel for the petitioner and perused the material available on record.

4. Section 19 of the Rajasthan Panchayati Raj Act, 1994 (hereinafter referred to as "the Act") does not make any exception. Section 19 of the Act debars a person from contesting the election in case he has more than two children after the cut off date. Admittedly, the third child of the petitioner was born after the cut off date. Therefore, this Court cannot possibly grant the relief prayed for by the petitioner that he should be declared as being qualified to contest the

election. Hence, this writ petition is devoid of any merit; it is, hereby, dismissed.