
(1995) 02 MP CK 0038

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 674 of 1994

Ranvir Singh

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

Date of Decision : 08-02-1995

Acts Referred:

Madhya Pradesh Election Rules, 1994 — Rule 33(8)

Madhya Pradesh Panchayat Raj Adhiniyam, 1994 — Section 43

Citation : AIR 1995 MP 271

Hon'ble Judges : Tejinder Singh Doabia, J

Bench : Single Bench

Advocate : Arun Mishra, for the Appellant; K.N. Gupta, Government Advocate, for the Respondent

Judgement

T.S. Doabia, J.—The present petitioner offered himself as a candidate for the office of Panch from village Rurai, tehsil Lahar, district Bhind. His nomination paper was accepted by the Assistant Returning Officer on 3rd of May, 1994. His name was shown in the list of validity nominated candidates. This list has been appended as annexure P/4. The requisite steps that is with regard to filing of nomination papers and its scrutiny as contemplated by Rules 29 to 33 of the Madhya Pradesh Panchayat Raj Election Rules of 1994 were duly complied with. As noticed above, a list was duly prepared under Rule 33(8) of the Rules. This Rule i.e., 33(8) reads as under:

33. Scrutiny of nomination.-

*** ** (8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer (Panchayat) shall prepare a list of candidates whose nominations have been accepted. Immediately after the scrutiny is over, the Returning Officer (Panchayat) shall affix the list on his notice board and shall record the date on which, and the time at which, the list was so affixed."

2. After the nomination papers were duly accepted an order was passed on 3rd of May, 1994. This was passed by the Returning Officer. Copy of this is Annexure P/5. By this, the acceptance of nomination paper, on 3rd of May, 1994 was set at naught. It was primarily done on the basis of some affidavit said to have been given by the proposer.

3. Election is to be conducted strictly as per the provisions contained in the Act and the rules. There are no two views on this. There is no provision in the rules which empowers the Returning Officer or any other authority to reject nomination paper which was earlier accepted by a person acting as a Returning Officer. Thus, the order Annexure P/5 cannot be said to be passed under any authority given by the statutory provision. Order, Annexure P/5 is quashed. The respondents will take further steps with a view to complete the process of election.

4. This petition is disposed of in the manner indicated above.