
(2022) 02 UK CK 0016

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 248 Of 2022

Sashi Prabha Tomar And Others

APPELLANT

Vs

Election Commission Of India Through Chief Electoral Officer
Uttarakhand And Another

RESPONDENT

Date of Decision : 08-02-2022

Acts Referred:

Representations People Act, 1951 — Section 159((2)(iv)

Citation : (2022) 02 UK CK 0016

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Arvind Vashistha, Munish Bhardwar, Shobhit Saharia

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. By means of instant petition, the petitioner seeks the following reliefs:-

â??(i) A writ order or direction in the nature of certiorari quashing the order/ letter dt. 21.01.2022 passed by respondent no.2.

(ii) A writ order or direction in the nature of mandamus directing the respondent not to pressurize them to join election duty/training.

(iii) Any other order or direction which this Honâ??ble Court may deem fit and proper in the facts and circumstances of the case.â??

2. Facts are in a very short compass. The petitioners are working in a different capacity in Mahila Vidhayalaya Degree College and SMJN Degree

College which are grant in aid colleges affiliated with the University. It is the case that the colleges where the petitioners are working are privately

managed Institute. They are not Government Servant. They are working in the high positions in the Educational Administration, but they have been

deputed in the General Election duty and given the work virtually of Grade-IV and Grade V i.e. Electoral Personnel at booth level.

3. Heard learned counsel for the parties through video conferencing and perused the record.

4. Learned senior counsel appearing for the petitioners restricts his argument that the petitioners should be given election duties keeping in view their pay scale, their ranks and status in the individual institution.

5. Learned counsel appearing for the respondents would submit that in view of Section 159 Sub Section (2) (iv) of the Representations People Act,

1951 (for short, "the Act"), the petitioners can be deputed in the General Election. Learned counsel would submit that while deputing the

petitioners, in view of Chapter-3 Clause 3.2.1 of the Handbook of Returning Officer issued by the Election Commission, the scale, post, rank etc. of

the petitioners have been taken into consideration. It is submitted that the order deputing the petitioner on election duty (Annexure No.1 to the petition)

reveals that the petitioners have been deputed as Presiding Officer of a Polling Station.

6. Learned senior counsel for the petitioner would submit that if it is the statement on behalf of the respondents that the petitioners have been given

the work of a Presiding Officer of a particular Polling Station, the petitioners' grievance stands addressed and nothing survives in this petition.

7. In view of Section 159 (2) (iv) of the Act the petitioners can be deputed in the General Election duty, it is not disputed.

8. A statement has been given on behalf of the respondents that in view of the direction and condition, particularly, Clause 3.2.1 as referred to

hereinabove, the scale, post, rank etc. of the petitioners have been taken into consideration and they have been appointed Presiding Officer of the

Polling Station.

9. Accordingly, this Court is of the view that nothing survive in this petition and the writ petition stands disposed of.