

(2022) 02 MP CK 0181
In the Madhya Pradesh High Court
Case No : Writ Petition No. 3246 Of 2021

Shaikh Shahrukh

APPELLANT

Vs

Youth Congress Election Authority And Others

RESPONDENT

Date of Decision : 26-02-2022

Acts Referred:

Constitution Of India, 1950 — Article 12, 226, 324
Representation Of Peoples Act, 1951 — Section 29A

Citation : (2022) 02 MP CK 0181

Hon'ble Judges : Purushaindra Kumar Kaurav, J

Bench : Single Bench

Advocate : Mohammad Aadil Usmani

Final Decision : Dismissed

Judgement

Purushaindra Kumar Kaurav, J

1. The petitioner has filed this petition under Article 226 of the Constitution of India for quashment of the result of election dated 18.12.2020 (Annexure P/3) for the post of President, Indian Youth Congress, Umariya being illegal and invalid.

2. The petitioner has submitted that he is a member of Indian Youth Congress, District Umariya which is National Political Party registered by the Election Commission of India under Section 29A of the Representation of Peoples Act, 1951. The petitioner is an active member of Indian Youth Congress and is having all the rights to vote for the organizational election in the district in accordance with the guidelines of the Indian Youth Congress Election Authority. He has stated that the respondents No.1 and 2 have failed to comply with the guidelines which are prescribed by the Election Commission in exercise of power conferred under Article 324 of the Constitution of India and hence, the writ petition is maintainable and this court should exercise power under Article 226 of the constitution to ensure that such a guideline is strictly followed and any election in

violation of such a guideline should be set aside.

3. This Court is not inclined to entertain the present writ petition as Indian National Congress against whom a writ is sought is not a State within the meaning of Article 12 of the Constitution and as such no writ petition is maintainable. Same view has been taken by different High Courts in the matters of M.Baga Reddy Vs. Sonia Gandhi 2001 SCC Online A.P. 414 , J.Jayachandran Vs. Election Commissioner of India 2021 SCC Online Mad 6343, Hillari Zacharia Vs. Chief Election Commissioner 2019 SCC Online Ker 2950.

4. So far as the submission of the petitioner with regard to framing of the guideline by the Election Commission of India under Article 324 of the Constitution, is concerned, the said argument does not have any substance as the Election Commission of India under Article 324 of the Constitution does not frame any guideline for the conduct of organizational election of any political party. Article 324 of the Constitution only vests the power to the Election Commission of India for superintendence, direction and control of the preparation of the electoral roles for, and the conduct of, all elections to the parliament and to the legislatures of every State and of the elections to the offices of President and Vice President held under the Constitution of India. Thus, the conduct of internal elections of any political party cannot be adjudged on the basis of guidelines framed by the Election Commission of India under Article 324 of the constitution.

5. Hence, this petition does not have any substance and the same is hereby dismissed.