

(2009) 08 KAR CK 0050
In the Karnataka High Court
Case No : Writ Appeal No. 3008 of 2009

Smt. Varalakshmi

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 31-08-2009

Acts Referred:

Citation : (2009) 08 KAR CK 0050

Hon'ble Judges : P.D. Dinakaran, C.J.;V.G. Sabhahit, J

Bench : Division Bench

Advocate : Jayakumar S. Patil, for Jayakumar S. Patil, Assts, for the Appellant;
B. Veerappa, AGA, for the Respondent

Judgement

P.D. Dinakaran, C.J.—The appeal is directed against the order dated 4th August 2009 made in Writ Petition No. 13703/2009 where under, the learned Single Judge applying the ratio laid down by the Apex Court in Election Commission of India Through Secretary Vs. Ashok Kumar and Others, , that Courts" intervention should not be sought in order to effectuate the interruption, obstruction of the election proceedings and judicial remedy, if any, should be availed by the aggrieved parties after the holding of elections, refused to grant stay in respect of election to the post of President and Vice-President of Taluka Panchayat, Bangalore East.

2.1. The admitted fact is that after notifying the election schedule on 18th May 2009, by way of corrigendum dated 15th May 2009, the Government proposed to revise the allotment of reservation issued on 5th May 2009.

2.2. As per the earlier notification dated 5th May 2009, the allotment of reservation for the post of President was among BC-B(W). But as per, the corrigendum dated 15th May 2009, it is reserved for General Candidates.

2.3. Similarly, as per the earlier notification dated 5th May 2009, the allotment of reservation for the post of Vice President of Taluka Panchayat, East Taluk was Scheduled Caste but, as per the corrigendum dated 15th May 2009, it is reserved

for BCA.

3.1. As the law on the point is well settled that once election schedule is notified, that is, in the instant case on 18th May 2009, the allotment of reservation already notified cannot be changed, altered or amended either by a fresh notification or by issuance of corrigendum. It is also true that it is not proper for the Courts to intervene in the election matter.

3.2. In our considered opinion, therefore, suffice it to quash the corrigendum dated 15th May 2009 and permit the respondents to proceed with the elections to the post of President and Vice-President as per the earlier notification dated 5th May 2009 notifying the election schedule on 18th May 2009 so far as it relates to Taluka Panchayat, Bangalore East is concerned.

The writ appeal is disposed of, accordingly