

Office of the Election Authority

Under J&K Panchayati Raj Act, 1989

(Chief Electoral Officer, J&K)

“Greater Participation for a Stronger Democracy”

Subject: Appeal titled Bhupinder Singh versus Returning Officer, Panchayat Halqa Sohagani, Block Marh, District Jammu.

ORDER No. CEO/Pyt/2018/720

DATED 21-11-2018

Whereas, the appellant had, prior to the instant appeal, filed a writ petition bearing OWP No. 2372/2018, IA No. 01/2018 titled Bhupinder Singh versus State and ors. which was disposed of by the Hon'ble Court by way of an order dated 16-11-2018 with a direction to petitioner to approach the right forum by way of an appeal; and

Whereas, the appellant filed the aforementioned appeal against the order of Returning Officer dated 14-11-2018 whereby nomination form of the appellant for the election of the Panch from **ward No. 4- Chargali (L)** of the Panchayat Halqa Sohagani, Block Marh, Jammu notified vide Notification dated 06-11-2018, has been rejected on the ground that the original State Subject Certificate was not produced with the nomination form for verification; and

Whereas, report in the matter was sought and also principle of *audi alterum partem* was duly followed by way of providing opportunity of hearing to the petitioner in the instant matter through his Counsel; and

Whereas, after hearing the Ld. Counsel for petitioner and upon perusal of the records, it is revealed that on the day of scrutiny of nominations the petitioner, having misplaced his original Permanent Resident Certificate (PRC), produced a certified copy of the said certificate, which, however, was not acknowledged and the nomination was rejected. However, as per report of the Deputy Commissioner Jammu, certified copy of an original Permanent Resident Certificate (PRC) is valid. Since on being queried the Returning Officer has admitted that the appellant had indeed produced the certified copy at the time of scrutiny, the rejection of nominations of the appellant is improper; and

Whereas, improper rejection of the nomination papers of the appellant namely Bhupinder Singh So Rattan Singh R/o Village Chakrali, Tehsil Marh has resulted in vitiation of election process right from the date of scrutiny of nominations onwards for **ward No. 4- Chargali (L)** of the Panchayat Halqa Sohagani,, Block Marh, Jammu;

Now, therefore, in view of the above stated facts, the grievance projected by the petitioner is found genuine, as such the process right from the date of scrutiny of nominations ~~and~~ onwards for **ward No. 4- Chargali (L)** of the Panchayat Halqa Sohagani,, Block Marh, shall commence afresh and various dates, in this regard, shall be notified separately by way of issuance of a fresh notification.

(Shaleen Kabra) IAS

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No.

Copy to: 6463/CEO/Pyt/2018/3858-69.

Dated: 21-11-2018

1. District Panchayat Election Officer (Deputy Commissioner) Jammu for information and n/a.
2. R.O concerned for information and n/a.