



Reportable
HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Special Appeal Writ No. 1237/2026
CNR: RJHC011064382026 | URN: SAW / 2515U / 2026

Kanti Lal S/o Jabar Singh, Aged About 30 Years, R/o Bhadarva Vera, Ward No. 07, Gram Majiwala, Tehsil Pachpadra, District - Balotra, (Raj.) - 344022.

-----Appellant

Versus

1. State Of Rajasthan, Through Secretary, Department Of Panchayati Raj And Rural Development, Rajasthan
2. District Election Officer, Balotra.
3. Sub Division Officer-Cum-District Balotra, Rajasthan.

-----Respondents

For Appellant(s)	:	Mr. Moti Singh. Mr. Manish Patel. Mr. Pramod Gour.
For Respondent(s)	:	Mr. Rajendra Prasad, Sr. Adv-cum-AG with Mr. Aniruddh Singh Shekhawat. Mr. Ayush Gehlot. Mr. Rakesh Sharma.

HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

15/10/2026

1. The present special appeal has been preferred by the appellant-writ petitioner, being aggrieved by the order dated 09.10.2026 passed by the learned Single Judge, by which the writ petition filed by the writ petitioner has been dismissed, having been found to be not maintainable in view of Article 243-O of the Constitution of India.
2. The petitioner has challenged the reservation of the wards as well as of the Gram Panchayat Majhiwala for the persons



belonging to Scheduled Castes/Scheduled Tribes. In the writ petition, it is alleged that since there were only 14 voters within the Gram Panchayat of the Scheduled category, no such reservation ought to have been made. It is stated that the population shown for the purpose of reservation of wards is fake.

The notification published in pursuance thereof requiring posts of Sarpanch of Panchayat Samiti Majiwala dated 24.09.2026, is also challenged. The learned Single Judge, after considering the averments raised by the petitioner as well as the law applicable to the case, and considering the scope of Article 243-O of the Constitution of India, dismissed the writ petition on the ground that, since the election programme had already been published on 03.10.2026, in view of the restriction contained under Article 243-O of the Constitution of India, no interference in the writ petition could be made.

3. Learned counsel for the appellant-petitioner submits that the learned Single Judge has wrongly dismissed the writ petition holding that there is complete bar under Article 243-O of the Constitution of India on entertaining the writ petition. He submits that only election programme was issued on 03.10.2026 and no election notification, as envisaged under Rule 23 of the Rajasthan Panchayat Raj Election Rules, 1994, was issued and, in view of the same, the bar was not attracted, and the writ petition is maintainable. Further, looking to the fact that there was apparent illegality in the issuance of the notification, as the population shown is fake in the records, it was a case wherein interference in the writ jurisdiction was required. Learned counsel has relied upon



the law laid down by the Hon'ble Apex Court in the case of ***Union Territory of Ladakh & Ors v. Jammu and Kashmir National Conference and Another (Civil appeal no. 5707/2023, decided on 06.09.2023), reported as 2023 INSC 804***, while stating that there is no absolute bar on the exercise of jurisdiction of the High Courts under Article 226 of the Constitution of India. Further, learned counsel has tried to distinguish the judgments relied upon by the learned Single Judge in the cases of ***N.P. Ponnuswami v. Returning Officer, Namkkal Constituency & Ors (1952) 1 SCC 94***, as well as ***Harish Kumar v. State of Rajasthan (SB.CWP No.20557/2026)*** stating that, in municipal elections, the process starts from Rules 8 and 9 of the Election Rules, prior to the issuance of the notification, hence, the said judgment is not applicable.

4. Learned Advocate General, on the other hand, stated that there is no error in the order passed by the learned Single Judge and the same has been passed after considering the consistent view of the Hon'ble Apex Court. It is stated that, under the Panchayati Raj Act, the election programme issued by the State Election Commission is for the entire State, and the State-wise details are given. Since the Gram Panchayats are separate units, the notice under Rule 23 is issued thereafter; however, the same is issued under the general directions of the Commission. Hence, it is stated that, in fact, the election process started after the declaration of the election programme by the State Election Commission on 03.10.2026, and, in pursuance thereof, the relevant notifications are being issued. In the present case as well,



after undertaking the exercise of delimitation, the exercise of reservation for the Panchayati Raj institutions was undertaken, and the notification was issued thereafter. Further, it is stated that the reservation of the wards/posts has been done in a fair and transparent manner and that it is purely an administrative exercise. The petitioner has raised disputed questions of fact which cannot be interfered with in the exercise of writ jurisdiction of this Court, much less in the intra-court appeal. Learned Advocate General has relied upon the judgments of the Hon'ble Apex Court passed in the cases of **N.P. Ponnuswami (supra)** as well as **Mohindhr Singh Gill & Anr v. Chief Election Commissioner & Ors** in **(1978) 1 SCC 405**, stating that the word '*election*' is to be read in reference to the entire process, which consists of several stages and embraces many steps. He submits that, in the present case, the reservation of the wards has already been done, the notifications have been issued, and the elections are scheduled to be held in view of the scheduled programme. He, therefore, states that, in view of the clear bar under Article 243-O of the Constitution of India, the writ petition has rightly been dismissed, and interference by this Court in its writ jurisdiction would hinder the election process and would be against the spirit of Article 243-O of the Constitution of India.

5. Heard learned counsel for the parties and perused the material available on record.

6. This Court finds that, in the present case, the election of the Gram Panchayats in the State of Rajasthan is scheduled. The delimitation exercise was challenged before this Court and a





detailed order was passed in the case of ***Sheela Kumari vs. State of Rajasthan (D.B. Civil Writ Petition No.7718/2025)***, and a timeline for holding the elections was fixed. The matter was carried to the Hon'ble Apex Court, where the SLPs were dismissed, the State having given an undertaking to conclude the elections by 15.04.2026. Thereafter, the Division Bench in ***Girraj Singh Devanda v. State of Rajasthan (D.B. Civil Writ Petition (PIL) No.1285/2025)***, on an application of the State, extended the timeline to conclude the elections on or before 15.11.2026.

7. The notification under Rule 23 is issued subject to the general directions of the Commission. The election programme for the ensuing Panchayat elections for the entire State of Rajasthan has been published by the State Election Commission on 03.10.2026, setting the election process in motion. The election process for the Gram Panchayats is in progress and, as per the scheduled programme, is to be concluded by 17.11.2026.

8. The Hon'ble Apex Court in ***Election Commission of India v. Ashok Kumar, (2000) 8 SCC 216; Lakshmi Charan Sen v. A.K.M. Hassan Uzzaman, (1985) 4 SCC 689***; and ***Anugrah Narain Singh v. State of U.P., (1996) 6 SCC 303***, has clearly held that where elections are imminent, the High Court while exercising its powers under Article 226 of the Constitution of India, should be cautious and refrain from passing orders that may interrupt, delay or postpone the election process. The bar contained in Article 243-O of the Constitution also serves this object.



9. In view of the above, this Court is not inclined to interfere with the election process so as to hinder it. Accordingly, no interim order is called for, and the stay application stands dismissed.

10. However, considering the legal grounds raised regarding the maintainability of the writ petition, the appeal deserves admission.

11. Admit.

12. Issue notice. Shri Aniruddh Singh Shekhawat accepts notice on behalf of the respondents. Thus, service is complete.

13. List the matter for hearing after six weeks.

(BALJINDER SINGH SANDHU),J

(SANJAY K. AGRAWAL),CJ

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