



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF OCTOBER, 2023

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 17758 OF 2022 (LB-RES)



BETWEEN:

SMT MANJULA @ MANJU

...PETITIONER

(BY SRI. PRASANNA V R., ADVOCATE)

AND:

1. THE CHIEF SECRETARY
DEPARTMENT OF RURAL DEVELOPMENT AND
PANCHAYATH RAJ,
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BENGALURU-560001.
2. THE COMMISSIONER
KARNATAKA STATE ELECTION COMMISSION,
BANGALORE 560001.
3. THE DEPUTY COMMISSIONER
MYSURU DISTRICT,
MYSURU 570001.
4. THE TAHSILDAR
T NARASIPURA TALUK,
T.NARASIPURA
MYSURU DISTRICT 571110.
5. THE RETURNING OFFICER/ELECTION OFFICER
TUMBALA GRAMA PANCHAYATH,

Digitally signed by
NARAYANAPPA
LAKSHMAMMA
Location: HIGH
COURT OF
KARNATAKA



T NARASIPURA TALUK,
MYSURU DISTRICT. 571110.

6. SMT PADMA

...RESPONDENTS

(BY SRI.NAVEEN CHANDRASHEKAR., AGA FOR R1-5;
SRI. P. NATARAJU., ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DTD 06.01.2022 IN EL.P.1/2021 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC, T. NARASIPURA, MYSURU DISTRICT VIDE ANNEX-A AND ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. The petitioner is before this Court seeking for the

following reliefs:

- i) *Issue a Writ of certiorari, quashing the order dated 06.01.2022 in El.P.1/2021 passed by the learned Senior Civil Judge and JMFC., T. Narasipura, Mysuru District, vide Annexure-A,*
- ii) *Issue a writ of certiorari quashing the order dated 30.12.2020 issued by the 5th Respondent Officer, declaring that the selection of 6th Respondent unanimately as elected for the post of Member of Tumbala Grama Panchayath from Block-II Constituency reserved for BCM-IIA Women Category, vide Annexure-B*



- iii) *Issue a writ of certiorari quashing the order dated 17.12.2020 issued by the 5th respondent returning officer, rejecting the nomination of the petitioner vide Annexure-C and consequently direct the officials concerned to conduct fresh election for the said post.*
 - iv) *Issue any other writ or direction to meet the ends of justice.*
2. The grievance of the petitioner is that though the petitioner had submitted a caste verification certificate for the purpose of contesting election on 17.12.2020, the same was not considered by the Returning Officer and the nomination submitted by the petitioner has been rejected on 17.12.2020. The Election Petition which had been filed by the petitioner has also been rejected by the impugned order dated 06.01.2022 passed by the Senior Civil Judge and JMFC at T.N.Pura, Mysuru in Election Petition No.1/2021 and challenging the said order, the petitioner is before this Court.
3. The short question that would arise for consideration for this Court is whether a candidate would have an



option or opportunity to rectify the defects pointed out in the scrutiny of the nomination forms submitted and whether that rectification ought to be considered by the Returning Officer before rejecting the nomination form?

4. In the present case, elections having been announced for the Gram Panchayat, the last date for filing of nomination was fixed at 16.12.2020 which were to be scrutinised on 17.12.2020. The claim of the petitioner is that immediately on coming to know that the caste certificate for the purpose of contesting an election was to be produced, the petitioner had produced the same on 17.12.2020 and therefore, the same ought to have been considered before the order of rejection since the said certificate had been produced before the rejection.
5. I am of the considered opinion that it is not the date of the scrutiny or the compliance after the scrutiny



which is relevant but what is relevant in election matters is that all the relevant documents satisfying all the relevant criteria are to be submitted on or before the last date and time fixed for submission of the nominations. In the present case, the time being fixed as 3.00 p.m. on 16.12.2020 for submission of the nomination form, it was but required for the petitioner to submit her nomination form, affidavit and all other documents that the petitioner intended to rely upon in support of her nomination form on that date by that time. The law does not provide for scrutiny to be carried out and the objections raised in the scrutiny to be satisfied by a contestant. The scrutiny in the course of election is only carried out for the purpose of determining the eligible candidate by deleting the ineligible candidates.

6. The eligibility in this particular matter relating to a seat which has been reserved for is BCM-II(A)(Female). It was required for the candidate to



have produced all documents to support such a claim made by the petitioner. Admittedly, the petitioner has not complied with the requirements of the notification bearing No.RDP/5/ZPS 95(1) dated 13.01.1995 and furnished the caste certificate in terms of Rule 8(a) of the Karnataka Panchayat Raj (Conduct of Election) Rules, 1993 along with the nomination form. Thus, the non-production of such documents along with the nomination form would make the nomination form incomplete and liable for rejection. There is no opportunity given to any of the contestants to rectify any defects pointed out during the scrutiny and as aforesaid, the scrutiny is carried out only to separate the eligible and ineligible candidates.

7. Thus, I am of the considered opinion that the order of rejection passed by the Returning Officer is proper and correct so also the order dated 06.01.2022 passed in Election Petition No.1/2021 by the Senior



Civil Judge and JMFC at T.N.Pura, Mysuru. No grounds having been made out, the Writ Petition stands dismissed.

**Sd/-
JUDGE**

PRS
List No.: 1 SI No.: 60