RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 1420/2026

IN

S.B. Civil Writ Petition No.22061/2026

CNR: RJHC021102222026 | URN: SAW / 2791U / 2026

Rajasthan High Court
सत्यमेव जयते
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1. State Election Commission, Rajasthan, Through Its Secretary, Secretariat, Jaipur.
2. The District Election Officer (Panchayat)-Cum-Collector, Bundi, District Bundi (Rajasthan).
3. The Electoral Registration Officer (Panchayat)-Cum-Sub Divisional Officer, Hindoli, District Bundi (Rajasthan).

----Appellants

Versus

1. Indraj Singh Son Of Shri Mishrilal, Aged About 36 Years, Resident Of Village Mendi, Gram Panchayat Mendi, Tehsil Hindoli, District Bundi (Rajasthan).
2. Smt. Sunita Devi Wife Of Shri Indraj Singh, Aged About 33 Years, Resident Of Village Mendi, Gram Panchayat Mendi, Tehsil Hindoli, District Bundi (Rajasthan).
3. Sudesh Kumar Son Of Shri Mishrilal, Aged About 32 Years, Resident Of Village Mendi, Gram Panchayat Mendi, Tehsil Hindoli, District Bundi (Rajasthan).
4. Smt. Sunita Kumari Wife Of Shri Sudesh Kumar, Aged About 23 Years, Resident Of Village Mendi, Gram Panchayat Mendi, Tehsil Hindoli, District Bundi (Rajasthan).
5. Bahadur Singh Son Of Shri Babulal, Resident Of Village Kachnariya, Gram Panchayat Mendi, Tehsil Hindoli, District Bundi (Rajasthan).

----Respondents

For Appellant(s) : Mr. Amit Kuri

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For Respondent(s) : Mr. Rajesh Maharishi with
Ms. Vaishnavi Pareek for respondents No.1 to 4.
Mr. Rahul Sehra, for respondent No.5

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HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

12/11/2026

In D.B. Civil Misc. Application No.02/2026:-

Heard on the application for waiving of defect(s), as pointed out by the Office.

For the reasons mentioned in the application, the same is allowed. The defect(s) pointed out by the Office is waived.

In D.B. Civil Misc. Application No.01/2026:-

Heard on the application for exemption of filing the certified copy of the order dated 04.11.2026.

For the reasons mentioned in the application, the same is allowed. The exemption of filing of the certified copy of the order dated 04.11.2026 is waived.

D.B. Special Appeal Writ No. 1420/2026:-

1. The present intra-court appeal is directed against the order dated 04.11.2026 passed by the learned Single Judge, whereby the writ petition filed by respondent-petitioners No.1 to 4 has been allowed and the order dated 18.10.2026 passed by the Appellate Authority, deleting their names from the electoral roll, has been quashed and set aside.

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2. Briefly stated, the facts of the case are that the respondent-petitioners filed an application before the Competent Authority on 08.01.2026 along with the requisite documents, seeking insertion of their names in the electoral roll of Ward No. 4, Gram Panchayat Mendi, Tehsil Hindoli, District Bundi and deletion of their names from the earlier electoral roll of Gram Panchayat Sukhpura by making necessary corrections. The said application was allowed and accordingly, their names were inserted in the electoral roll of Ward No. 4, Gram Panchayat Mendi. Thereafter, the State Election Commission, in accordance with the Rajasthan Panchayati Raj (Election) Rules, 1994 (hereinafter to be referred as "the Rules of 1994"), declared and reserved the office of Sarpanch, Gram Panchayat Mendi, for the Scheduled Tribe (ST) category. After the said seat was reserved for the ST category, respondent No. 4 filed an objection before the Returning Officer with regard to the inclusion of the names of the petitioners, which was rejected on 02.10.2026. On the very next date i.e. 03.10.2026, the State Election Commission declared the election programme in exercise of its powers under the Rules of 1994. After the declaration of the election programme, respondent No. 4 filed an appeal before the District Election Officer and Appellate Authority on 13.10.2026. The said appeal was decided by the Appellate Authority vide order dated 18.10.2026, whereby the names of the respondent-petitioners were deleted from the electoral roll of Ward No. 4, Gram Panchayat Mendi. Being aggrieved by the same, the respondent-petitioners preferred a writ petition, which came to be allowed by the learned Single Judge vide the impugned order. The

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learned Single Judge, while relying upon the judgment passed by the Coordinate Bench of this Court in S.B. Civil Writ Petition No. 21252/2026 titled as Balveer Singh Vs. The State of Rajasthan & Ors., as also the judgment of the Hon'ble Supreme Court in the case of Mohinder Singh Gill & Anr. Vs. The Chief Election Commissioner, New Delhi & Ors. reported in (1978) (1) SCC 405, held that even after the commencement of the election process, the Appellate Authority would have no jurisdiction to interfere with the electoral roll or to pass any order either for inclusion or exclusion of names therein. Hence, the present appeal has been filed.

3. Learned counsel for the appellant submits that on 03.10.2026, only the election programme was issued, whereas no election notification, as envisaged under Rule 23 of the Rules of 1994 was issued. Therefore, the bar contained in Article 243-O of the Constitution of India was not attracted.

4. On the other hand, learned counsel for the respondents supported the impugned order passed by the learned Single Judge and he relied upon the judgment of a Co-ordinate Bench of this Court at Principal Seat, Jodhpur in the matter of Pawan Vs. State of Rajasthan & Ors. (D.B. Civil Writ Petition No.24025/2026) decided on 27.10.2026.

5. Having heard learned counsel for the parties and upon perusal of the record, it transpires that the names of the petitioners-respondents were added to the electoral roll on their application after following the due process of law. The respondent

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No.4 filed an appeal before the Appellate Authority on 13.10.2026, admittedly after issuance of the press note dated 03.10.2026, the Appellate Authority issued notice on the said appeal, which was received by the petitioners-respondents on 17.10.2026, directing them to appear before the Appellate Authority on 18.10.2026. It appears that no proper opportunity of hearing was afforded to the respondent-petitioners, as they were called upon to appear before the appellate authority on 18.10.2026 and on the very same date, the appellate authority passed the order directing deletion of their names from the electoral roll.

6. The respondent No. 4 has not challenged the impugned order rather the State Election Commission has approached us challenging the impugned order. The argument raised by the appellant is that since the notification as envisaged under Rule 23 of the Rules of 1994 had not been issued by 18.10.2026, the bar against interference in election process was not applicable. Further it is their case that the said bar also does not apply to the Appellate Authority exercising statutory power under the Rules of 1994.

7. We find that a similar issue came up for consideration before a Coordinate Bench of this Court at Principal Seat Jodhpour in the matter of Kanti Lal Vs. State of Rajasthan & Ors. (D.B. Special Appeal Writ No. 1237/2026) decided on 15.10.2026, wherein the State Government took a stand that the election process had commenced after the declaration of the election programme by the Election Commission on 03.10.2026. The relevant para of the

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order recording the submissions on behalf of the State is as under :-

> "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

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> 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. (emphasis supplied)

8. After considering the arguments, the Division Bench declined to interfere with the election process and accordingly dismissed the stay application. The relevant paras No.6,7 & 8 of the order dated 15.10.2026,are as under:-

> "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 by15.04.2026. 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 on03.10.2026, 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

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> 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. Another Division Bench of this Court in Pawan Kumar (Supra), while dealing with the similar issue held as under:-

> "4. Per contra, learned counsel for the State while vehemently opposing the submissions made by the learned counsel for the petitioner submits that the names of the persons mentioned in Para 4.7 were recorded in electoral roll of Patwar Circle, Sant Nagar of Gram Panchayat, Sant Nagar on their own application and, therefore, the same has been correctly added in the Gram Panchayat, Sant Nagar. He further submits that a public notice for the elections for the post of Panch and Sarpanch in the Panchayat Samiti election has already been issued on 13.10.2026 under Rule58 of the Rules of 1994 and, therefore, as per Rule 21A of the Rules of 1994, no amendment, transposition or deletion of any entry can be made for the inclusion of the name or deletion of the same in the electoral roll. He, therefore, submits that the prayer made by the petitioner in the writ petition cannot be granted in view of the Rule 21A of the Rules of 1994.
>
> 5. We have considered the submissions made at the Bar and gone through the relevant record of the case.
> 6. The controversy involved in the present case is with respect to addition of the names of the persons mentioned in Para 4.7 of the writ petition in the electoral roll of Gram Panchayat Circle, Sant Nagar, although they are not ordinarily residents of that place. As per the report, the persons mentioned in Para 4.7 of the writ petition are ordinarily residing at Mangal Nagar, however, in view of the notification issued on 13.10.2026 under Rule 58 of the Rules of 1994, no deletion or amendment can be made in the electoral roll issued by the respondents.

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10. In that view of the above, considering the facts and circumstances of the case, we are of the opinion that the bar contained under Article 243-O of the Constitution of India would be attracted and would also apply to the order passed by the Appellate authority, even while exercising its statutory powers under the Rules of 1994.

11. We, therefore, find no reason to interfere with the impugned order passed by the learned Single Judge. The instant appeal being devoid of merit is accordingly dismissed.

12. The stay application and any other pending application(s) also stand disposed of.

(SANDEEP TANEJA),J (INDERJEET SINGH),J

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