



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 21660/2026

CNR: RJHC021033302026 | URN: CW / 45493U / 2026

Jetu Devi W/o Mahesh Kumar Bagri, Aged About 37 Years, R/o Village Mokhampura, Gurjaro Ka Mohalla, Tehsil Maujmabad, District Jaipur, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Additional Chief Secretary, Rural Development And Panchayati Raj Department, Secretariat, Rajasthan, Jaipur.
2. The Secretary And Commissioner, Rural Development And Panchayati Raj Department, Secretariat, Rajasthan, Jaipur.
3. The Electoral Registration Officer/Returning Officer, Panchayat Samiti Maujmabad, District Jaipur, Rajasthan.
4. The Sub-Division Officer, Maujmabad, District Jaipur

-----Respondents

For Petitioner(s)	:	Mr. Kunal Sharma with Mr. Pawan Sharma Mr. Vaibhav Pancholy
For Respondent(s)	:	Mr. Kapil Prakash Mathur, AAG with Mr. Vikram Beniwal Mr. Ashutosh Udawat

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

17/10/2026

1. The petitioner herein Jetu Devi W/o Mahesh Kumar Bagri, resident of village Mokhampura, Gurjaro Ka Mohalla, Tehsil Maujmabad, District Jaipur, being aggrieved by rejection of her nomination paper, which she submitted for election to the post of Member Panchayat Samiti, Maujmabad, District Jaipur on 15.10.2026, has approached this Court by way of this writ petition



filed under Article 226 of the Constitution of India with the grievance that her nomination paper has been illegally rejected and elections are scheduled for 22.10.2026. Learned counsel submits that the petitioner, being a female, has been preparing for the present elections since long and under political vengeance, her nomination paper has been rejected in an illegal and arbitrary manner without giving appropriate opportunity and time to challenge the same.

2. Learned counsel submits that now at the fag end, when her nomination paper has been rejected and elections are scheduled, she is remediless and she will not be able to participate in the elections. Learned counsel further submits that the manner in which the Returning Officer has acted is highly arbitrary and illegal. Reasons for rejection of her nomination paper was stated that one person Ravindra who was one of her proposer, was also a proposer of some other candidate, but the nomination paper as submitted by her has been rejected which is highly unjustified. She further submitted that the nomination paper of the other candidate, for whom same person is also the proposer should have also been rejected and that she should have been allowed to contest the elections. In view thereof, she prayed that this writ petition be allowed and action of Returning Officer of rejecting her nomination paper be declared illegal and bad in law and further direction be issued to respondents to accept her nomination paper and further to allow her to contest the election scheduled for 22.10.2026.



3. Per contra, on advance copy, learned AAG Mr. Kapil Prakash Mathur appearing for the respondent, strongly objected the prayer of the petition by raising various legal grounds with the support of the legal bar under the Constitution of India and Rajasthan Panchayati Raj (Election) Rules, 1994 and judgment as passed by Hon'ble Apex Court and Hon'ble Division Bench as well as Co-ordinate Bench of this Court where similar legal issue has been decided.

4. The first argument as raised by learned AAG is that present petition is not maintainable in view of the bar contained under Article 243-O(b) of the Constitution of India which specifically bars the interference of Courts in electoral matters. Learned counsel submitted that the Article 243-O(b) specifically provides for filing of the election petition once the election process is over. He further submitted that the Panchayat elections are governed by Rajasthan Panchayati Raj (Election) Rules, 1994. Rule 58(g) of the rules of 1994 specifically provides that a person cannot be a proposer for more than one candidate and where such thing is found, the other nomination form are liable to be rejected. In the present case, as pointed out by Mr. Mathur, the proposer of the petitioner herein namely one Ravindra is a proposer of other candidate as well, on account of which, the second nomination, as submitted by the petitioner, containing the name of Ravindra, as proposer, was rejected in terms of Rule 58(g) by the Returning Officer and no illegality has been committed. Learned AAG also submits that as the nomination paper of the petitioner has been rejected and according to him (petitioner) same is illegal and



therefore, in terms of Rule 80 of the Rules of 1994 he has a remedy of filing election petition post conclusion of election. He further stated that the issue in regard to the challenge to the election process is no more res-integra in view of the Constitutional bar as well as the judgment passed by Hon'ble Apex Court in the case of N.P. Ponnuswami vs. Returning Officer, reported in 1952(1) SCC 94, where, the Hon'ble Apex Court, while considering the provisions of Article 329(b) of the Constitution of India specifically held that there cannot be two challenges to the election process, one by way of the Writ petition and another by filing of the election petition. The Constitution has not provided two parallel remedies and therefore, the Hon'ble Apex Court specifically held that except election petition, no other remedy lies and any interference if made would amount to interfering with the election process

5. The next judgment as cited by learned AAG is reported in 2026 SCC OnLine SC 1133 titled as Meenakshi Natarajan vs. Election Commission of India, wherein Hon'ble Apex Court while considering the provision of Article 329(b) of the Constitution of India while also considering the judgment passed in the case of **N.P. Ponnuswami (supra)** held that once the elections have been notified, the process, various stages and disputes inter se between the candidate etc. cannot be called in question except by way of an election petition. Any interference in the election process would amounts to disrupt or delay the election process for which Constitution has not permitted.



6. Learned counsel further cited the order passed by Hon'ble Division Bench passed in DB Special Appeal Writ No. 1237/2026 Kanti Lal vs. State of Rajasthan and others in which by order dated 15.10.2026, Hon'ble Court while also considering law laid down by Hon'ble Apex Court in various judgments, observed that once the election process has started, no interference can be made in terms of the strict bar under the Constitution. It is pointed out that Hon'ble Division Bench has not passed any interim order, however matter has been kept pending.

7. Learned AAG further relied upon the order passed by the Co-ordinate Bench of this Court in the case of Kanhaiya Lal vs. State Election Commission, Rajasthan and others in S.B. Civil Writ 18316/2026, dated 09.09.2026. In the said case, the Nagar Palika elections were in dispute and petitioner was denied permission to participate in the election for the Nagar Palika Brijnagar District Deeg. The Co-ordinate Bench while considering the bar under Section 243-ZG of the Constitution and the judgment passed by Hon'ble Apex Court in the case of **N.P. Ponnuswami (supra)** while also considering that Section 31 of the Rajasthan Municipalities Act, 2009, which bars the interference in the election process, provides remedy of filing election petition post election, dismissed the petition by the reasoned order. Therefore, learned AAG prayed for dismissal of present petition.

8. Heard learned counsel for the parties.

9. The petitioner has filed the present petition at the last hour, in which no reply has been filed by the State due to paucity of time, however, oral arguments have been made and the



judgments have been cited by the learned AAG. This Court noted that the present petition has been filed with the grievance that the nomination paper of the petitioner was rejected on 15.10.2026 and elections are scheduled on 22.10.2026. The reason as assigned for rejection of nomination paper is that one person Ravindra is the proposer in her nomination form and the same person is the proposer of other candidate also. While considering the argument of learned counsel for the petitioner and also the objection as raised by learned AAG, this Court noted that in terms of Rule 58(g), no person can be proposer of more than one candidate and in case same is found the other nominations form are liable to be rejected. As informed by learned AAG and not countered by learned counsel for the petitioner that nomination form of the petitioner was submitted subsequently, after the nomination form of the other candidate. Rule 58(g) of Rajasthan Panchayati Raj (Election) Rules, 1994 reads as under -

"58. Election of members of Panchayat Samiti/Zila Parishad.

(g) [A voter cannot nominate, as a proposer more than one candidate. Where a voter has signed on nominations, for more than one candidate all such nominations other than the first one received by the Returning officer shall be declared invalid.] "

10. Therefore, according to this Court, in terms of mandate of Rule 58(g), no illegality has been committed by the Returning Officer while rejecting the nomination paper of the petitioner.





Therefore, this Court finds no illegality in rejection of nomination form.

11. This Court further considered the argument, as raised by the petitioner that she has no remedy after rejection of her nomination paper. This argument has no basis as petitioner has not done research about availability of legal remedy of filing the election petition as as to challenge the improper rejection of the nomination paper. Rule 80 of the rules of 1994 provides for filing of the election petition after conclusion of election, to challenge the election of the returned candidate on various grounds including the improper rejection of the nomination paper which is the grievance of the petitioner in the present case. Rule 80 of Rajasthan Panchayati Raj (Election) Rules, 1994 reads as under -

“80. Manner of challenging an election under the Act. -

An election under the Act or under the Rules may be called in question by any candidate at such election by presenting a petition to the District Judge having jurisdiction within thirty days from the date on which the result of such election is declared, on any one or more of the following grounds

(a) that on the date of election a returned candidate was not qualified or was disqualified for such election;

or

(b) that any corrupt practice was committed by a candidate or by any other person with the consent or connivance of the candidate; or



(c) that any nomination was improperly rejected; or
(d) that the result of the election in so far as it concerns the returned candidate was materially affected

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interest of the candidate by a person other than that candidate or by a person acting with the consent or connivance of such candidate; or

(iii) by improper reception, refusal or rejection of any vote or the reception of any vote which was void; or

(iv) by any non-compliance with the provisions of the Act or of these rules; or

(e) that in fact the petitioner or some other candidate received a majority of the valid votes; or

(f) that but for votes obtained by the returned candidate by corrupt practices, the petitioner or some other candidate would have obtained a majority of the valid votes."

12. The above quoted Rule 80(C) specifically provides for filing of the election petition to challenge the election of the returned candidate on the ground of her improper rejection of the nomination paper. It is therefore incorrect on the part of the



petitioner to assert that she is remediless and has no remedy under the law after rejection of her nomination paper.

13. The scheme of Rules of 1994 and the constitutional provisions are specific and clear which bars the interference of the Court during the election process and once remedy of filing election petition can be availed post conclusion of the elections.

14. The issue of interference in the election disputes/ matters has been repeatedly examined and considered and settled by Hon'ble Apex Court and various High Courts in catena of judgments. The first judgment was passed by Hon'ble Apex Court in the year 1952 in the case of **N.P. Ponnuswami (supra)** which still holds the law. In the case of **N.P. Ponnuswami (supra)**, Hon'ble Court specifically held that the constitution under Article 329(b) has created bar to interfere in the elections once notified except by way of election petition in such manner as provided by or under the law. Hon'ble Apex Court further held that the law has not provided two remedies for the same grievance. This Court noted that the judgment passed in the case of **N. P. Ponnuswami (supra)** has been considered and relied upon by Hon'ble Apex Court in its subsequent judgments as well as by all the High Courts in the country in the cases where the election process was questioned pertaining to various election disputes.

15. This Court also noted that Hon'ble Division Bench by its order dated 15.10.2026 passed in the case of **Kanti Lal (supra)** has refused to pass any interim order in terms of bar under Article 243-O(b) of the Constitution of India after considering the law laid



down in the case of **N.P. Ponnuswami (supra)**. The relevant para of the order reads as under -

“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 Anuragh 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.”

16. This Court further considered the order dated 09.09.2026 passed by Co-ordinate Bench of this Court in the case of **Kanhaiya Lal (supra)** where the Court in the similar circumstances in the case of Nagar Palika election refused interference while considering the above cited judgments and the bar under Article 243-ZG of the Constitution of India. Further, the Court also held that the appropriate remedy would be of filing the election petition as provided under the Rajasthan Municipalities Act, 2009.



17. In view of the above discussion, this Court has reached to the conclusion that the writ petition filed by the petitioner, being aggrieved by improper rejection of nomination paper, is not maintainable as elections were notified by notification dated 03.10.2026 and elections are scheduled for 22.10.2026. Once the elections are notified, no Court in terms of bar under Article 243-O(b) of the Constitution of India read with the above considered judgment, can interfere in the election process. While on one hand, the bar has been created in regard to challenge to the election dispute during the election process under the Constitution of India but on the other hand, effective and appropriate remedy has been provided to the petitioner to file election petition in terms of Rule 80 of Rajasthan Panchayati Raj (Election) Rules, 1994 so as to question improper rejection of her nomination paper after completion of election.

18. In view of the above discussion, this Court find no merit in the present petition. Consequently, same is dismissed along with all pending application(s).

19. No order as to cost.

(RAVI CHIRANIA),J

S1/RAHUL KUMAR

