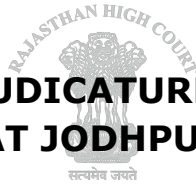




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



D.B. Special Appeal Writ No. 1299/2026
CNR: RJHC011116252026 | URN: SAW / 2659U / 2026

Mahima Choudhary S/o Shri Bhairu Singh Choudhary, Aged
About 29 Years, R/o Chainpura, Bhaniyana, District Jaisalmer,
Rajasthan.

-----Appellant

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Department Of Panchayati Raj, Government Of Rajasthan,
Jaipur.
2. State Election Commission Rajasthan, Through Its
Secretary, Jaipur.
3. District Election Officer, Panchayat/District Collector,
Jaisalmer, District Jaisalmer.
4. Electoral Registration Officer, Panchayat/ Sub Divisional
Officer, Bhaniyana, District Jaisalmer.
5. Tehsildar/ Assistant Electoral Registration Officer,
Panchayat, Bhaniyana, District Jaisalmer.
6. Enumerator (Praganak), Gram Panchayat Chainpura,
Panchayat Samiti Bhaniyana, District Jaisalmer.
7. Enumerator (Praganak), Gram Panchayat Bhaniyana,
Panchayat Samiti Bhaniyana, District Jaisalmer.

-----Respondents

For Appellant(s) : Mr. D.K. Godara
For Respondent(s) : Mr. Ravindra Jala for
Mr. S.S. Ladrecha, AAG

**HON'BLE MR. JUSTICE MUNNURI LAXMAN
HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI**

Order

30/10/2026

1. The present Special Appeal Writ has been filed challenging
the order dated 28.10.2026, whereby the claim for the



consideration of the appellant's case for transposition from one village electoral roll to another village electoral roll was dismissed.

2. The substance of the case is that the appellant was originally registered in the electoral rolls of Gram Panchayat, Chainpura, and she made an application on 07.02.2026 seeking to shift her voter registration from village Chainpura to village Bhaniyana, where she claims to be permanently residing. On the basis of the said application, an inquiry was conducted and a report dated 14.02.2026 was submitted to the Assistant Electoral Officer (ASO). The ASO, vide communication dated 30.09.2026, forwarded a letter to the Election Registration Officer (Sub-Divisional Magistrate) indicating that the appellant was not permanently residing in village Bhaniyana. Though such a report was submitted, no decision was taken by the Electoral Registration Officer in terms of Rules 13 and 14 of the Rajasthan Panchayati Raj (Election) Rules, 1994 (hereinafter referred to as 'the Rules of 1994') prior to the publication of the final electoral roll under Rule 17 of the Rules of 1994. In this regard, the appellant approached this Court seeking appropriate directions to consider her case for inclusion in the final electoral roll by invoking the powers under Rule 20 read with Rule 21-A of the Rules of 1994. The said request of the appellant was rejected by the learned Single Judge by placing reliance on **Manoj Kumar Godara & Anr. Vs. The State Election Commission, Rajasthan & Ors. (S.B. Civil Writ Petition No. 26293/2026)**. Aggrieved by the same, the present Special Appeal Writ has been filed.

3. Learned counsel appearing on behalf of the appellant submits that the appellant made an application for the





transposition of her electoral registration from one village to another much prior to the final publication of the electoral roll under Rule 17 of the Rules of 1994. However, the authorities failed to decide her application in terms of Rules 13 and 14 of the Rules of 1994 before resorting to the final publication of the electoral rolls under Rule 17 of the Rules of 1994. It is also his grievance that Rules 20 and 21-A of the Rules of 1994 permit the Electoral Registration Officer to make necessary corrections in the final list before the notification of election or public notice is published. According to the appellant, since the public notice has not yet been published, the authorities are statutorily obligated to consider her case before its publication. However, the public notice required under Rule 58 of the Rules of 1994 has not been published at all and is scheduled to be published tomorrow i.e. on 31.10.2026. According to the learned counsel for the appellant, until such public notice is issued, the appellant is entitled to have her case considered for the amendment of the final electoral rolls.

4. Learned counsel appearing on behalf of the State-respondents submits that the learned Single Judge rightly dismissed the writ petition as the appellant approached this Court at the fag end of the elections, and that too after the publication of the election schedule. It is also his submission that once the final publication has been made, no directions can be issued to carry out amendments or transpositions or corrections in the finally published list.

5. We have gone through the procedure contemplated under Rules 11, 12, 13, 14, and 17 of the Rules of 1994. Rule 12 requires the publication of draft rolls, and any person having



objections or claims is required to submit them under Rule 13, while Rule 14 enables the disposal of such claims and objections before the final publication of the rolls is made under Rule 17.

6. In the present case, the appellant made an application by way of a claim for transposition from electoral roll of one village to another for registration in the electoral rolls. Such an application was filed on 07.02.2026, while the final electoral list was published on 25.02.2026. A verification report by the ASO was also placed before the Electoral Registration Officer prior to the publication of the final list under Rule 17 of the Rules of 1994. However, her case was not considered at all, and without deciding such claim, the Electoral Registration Officer proceeded to issue the final publication under Rule 17. There has been a complete violation of Rules 13 and 14 of the Rules of 1994 by the Electoral Registration Officer prior to making the publication under Rule 17 of the Rules of 1994.

7. Furthermore, Rules 20 and 21-A of the Rules of 1994 enable the Electoral Registration Officer to make necessary corrections or transpositions before the election notification or public notice is issued under Rule 23 or 58. It is an undisputed fact that the public notice is contemplated on 31.10.2026, which means that, as per Rules 20 and 21-A of the Rules of 1994, the authorities still have time to decide the claim of the appellant which has remained undecided till date despite having been raised claim prior to the publication of the final list under Rule 17 of the Rules of 1994. Therefore, we are inclined to dispose of the present Special Appeal Writ.



8. Accordingly, the present Special Appeal Writ is **disposed of**.

The respondents are directed to decide the claim of the appellant today itself i.e. on 30.10.2026, and pass a necessary order on the pending application, if not already decided. An appropriate decision shall be taken after considering all the material placed by the appellant before the concerned authorities. In the event the case of the appellant is considered for transpositions, necessary corrections shall be made to the electoral rolls today itself i.e. 30.10.2026, and she shall be allowed to participate in the election.

9. Learned counsel appearing on behalf of the State-respondents is directed to communicate the directions given by this Court to the concerned Electoral Registration Officer to take a prompt decision in this regard.

10. Pending application(s), if any, shall stand disposed of.

(CHANDRA PRAKASH SHRIMALI),J

(MUNNURI LAXMAN),J

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