

HC rejects petition of dismissed Asst Prof whose paper for Lok Sabha election not accepted

STATE TIMES NEWS

JAMMU: Justice Sindhu Sharma of Jammu & Kashmir and Ladakh High Court dismissed the petition of Abdul Bari Naik dismissed Assistant Professor who was dismissed by J&K Govt interest of the security of the State, seeking direction to Election Commission of India to accept his form to contest Lok Sabha Election from Rajouri-Anantnag Seat.

The petitioner seeking direction to the respondents to accept the candidature of the petitioner after completion of all the requisite formalities and consequently allow the petitioner to contest as independent candidate for upcoming Anantnag-Rajouri Parliamentary seat 2024.

The contention of the petitioner is that he is an activist having strong and robust background of having served the people of Jammu & Kashmir for last so many years. He being actively involved in public life is desirous of contesting the upcoming parliamentary elections 2024 from Anantnag-Rajouri Parliamentary seat as an independent candidate. The respondent No. 3 has not accepted the candidature of the petitioner despite completion of all requisite formalities.

It is submitted that the petitioner was dismissed from services vide order dated 30.04.2021, and although he has assailed the order of dismissal before the Central Administrative Tribunal, Srinagar Bench, this dismissal is a ground for rejecting the candidature of the petitioner for contesting

the upcoming parliamentary elections 2024 from Anantnag-Rajouri Parliamentary seat. It is averred that the petitioner was conveyed verbally by the respondent No. 2 that since his services are terminated by the Government, therefore, he is to furnish a certificate from the respondent No. 1 as per Section 9 of The Representation of the Peoples Act, 1951. The petitioner, thereafter, filed a detailed representation before respondent No. 1 on March 23, 2024, and the respondents have asked the petitioner to appear before them on April 4, 2024.

The petitioner appeared on the scheduled date along with requisite record but respondents have not taken any decision on the same. The petitioner, thus, seeks indulgence of this Court to allow him to submit his nomination papers, as according to him, he is eligible to contest the elections as there is no bar under any provision of law to disentitle him from contesting the elections. The requirement of certificate under Section 9 of The Representation of the Peoples Act, 1951 would come into force only after the scrutiny of his nomination papers, when the respondents can reject the candidature of the candidate, and it is only then the respondents can reject the nomination papers of the petitioner. The respondents have singled out the petitioner by not accepting his nomination paper for vexatious reasons.

During the course of hearing counsel for Election Commission of India, Mr. M.I. Dar submits that they

have considered the representation of the petitioner for issuance of certificate under Section 9 of The Representation of the Peoples Act, 1951 and this request of the petitioner was not accepted by the Commission in view of the fact that his dismissal from the service was by invoking Article 311(2) of the Constitution of India relating to the interest of the security of the State. Copy of the same is placed on record. The petitioner was communicated the decision on April 16, 2024, but he has not brought this fact to the notice of the Court on April 18, 2024.

Sr. AAG Mohsin Qadri, appearing on behalf of respondents UT submit that the authorized representative of the petitioner had taken two forms from the Returning Officer i.e. respondent No. 3, but these forms have not been submitted till date, therefore, there the question of not entertaining the nomination form does not arise at all. It is further submitted that the petitioner was dismissed from service as such his nomination paper was to be accompanied by a certificate issued in the prescribed manner by Election Commission and he would not be a duly nominated candidate unless his nomination was accompanied by a certificate issued by the Election Commission under Section 9(2) of the Act.

Adv Jehangir Dar, counsel for respondent Nos. 2 & 3 has also raised a preliminary objection to the maintainability of the writ petition. He has submitted that since the election process has

already started, the same shall not be called in question except by election petition as there is bar for interference of the courts in electoral matters. Reliance has been placed on the constitutional bench judgment in case titled "N.P. Ponnuswami Vs. Namakkal Constituency and others", AIR 1952 SCC 39 and submitted that the writ petition for filing nomination paper is not maintainable.

he notification for election of parliamentary seat of Anantnag-Rajouri was notified by respondent No. 3 vide notice dated April 12, 2024. As per the notification issued by respondent No. 3, the candidates were to file their nomination till April 19, 2024 to the Returning Officer or the Assistant Returning Officer. The scrutiny of the nomination papers as well as withdrawal notice would take place on April 20, and 22, 2024. The respondents have raised the issue regarding maintainability of the writ petition. The electoral process, admittedly, has already started with the publication of the notification dated 12.04.2024 and the last date for filing nomination was 19th of April 2024. It is well settled that if the election process has started the only course open is to file an election petition and the court has no power to interfere with the election process. Justice Sindhu Sharma after hearing both the sides in length observed that the question now arises whether the law of elections in this country contemplates that there should be two attacks on matters connected with election proceedings,

one while they are going on by invoking the extraordinary jurisdiction of the High Court under Article 226 of the Constitution (the ordinary jurisdiction of the courts having been expressly excluded), and another after they have been completed by means of an election petition. In my opinion, to affirm such a position would be contrary to the scheme of Part XV of the Constitution and the Representation of the People Act, which, as I shall point out later, seems to be that any matter which has the effect of vitiating an election should be brought up only at the appropriate stage in an appropriate manner before a special tribunal and should not be brought up at an intermediate stage before any court. It seems to me that under the election law, the only significance which the rejection of a nomination paper has consists in the fact that it can be used as a ground to call the election in question. Article 329(b) was apparently enacted to prescribe the manner in which and the stage at which this ground, and other grounds which may be raised under the law to call the election in question could be urged. I think it follows by necessary implication from the language of this provision that those grounds cannot be urged in any other manner, at any other stage and before any other court. If the grounds on which an election can be called in question could be raised at an earlier stage and errors, it any, are rectified, there will be no meaning in enacting a provision like article 329(b) and in setting up a special tribu-

nal. Any other meaning ascribed to the words used in the article would lead to anomalies, which the Constitution could not have contemplated, one of them being that conflicting view may be expressed by the High Court at the pre-polling stage and by the election tribunal, which is to be an independent body, at the stage when the matter is brought up before it."

Justice Sindhu Sharma further observed that the petitioner, thus, was aware that he been dismissed from the office was disqualified for a period of five years of the dismissal till he provides a certificate from Election Commission that he has not been dismissed for corruption or disloyalty to the State. That is precisely why the petitioner made a representation and even appeared before the Election Commission. The petitioner, however, did not reveal the rejection of his application when the matter was taken up for consideration on 18th and 19th of April, 2024.

The Election Commission having rejected the request of the petitioner, as such, the petitioner was not a duly nominated person in terms of the Act and his nomination papers even if he had presented the same could not be accepted. Justice Sindhu Sharma further observed that in view of the law laid down above, this writ petition is not maintainable and this apart, otherwise also, there is no merit in the same. In view of the aforesaid facts and circumstances, the writ petition is dismissed both on the grounds of maintainability as well as on merit.

HC upholds PSA of drug peddler

STATE TIMES NEWS

JAMMU: Justice Sanjeev Kumar of Jammu & Kashmir and Ladakh High Court while upholding the detention under PSA of Gulcharan Singh, observed that the petitioner is an incorrigible drug peddler and would not be deterred by the ordinary law of the land, therefore, it is imperative to place him under preventive detention with a view to preventing him from indulging in illicit traffic of narcotic drugs and psychotropic substances.

Justice Sanjeev Kumar after hearing AAG Amit Gupta for the UT, observed that it is writ large from the record that the petitioner has been indulging in illicit traffic of illicit drugs very cleverly. He has been trafficking illicit drugs in small quantity so that he could easily obtain bail from the Court without being caught by the rigors of Section 37 of the NDPS Act. In such situation, challenge to the bail granted by the Court to the petitioner in respect of either a small quantity or an intermediate quantity of illicit drug would have been a futile exercise.

Justice Sanjeev Kumar further observed that the grounds of detention clearly reflect proper application of mind by the Detaining Authority to all aspect of the matter and in particular the propensity of the petitioner in indulging in illicit trade of illicit drugs and narcotics. It cannot be disputed that the petitioner was first caught in the year 2016 with the possession of Opium weighing 52 milligrams and cash of Rs. 1,63,400/- and was later on enlarged on bail by the Court merely on the ground that the petitioner was allegedly found in possession of illicit drug of small quantity. The petitioner came out on bail and again indulged in the similar activities and was once again caught on 29.07.2019 and this time with 6.26 gms of heroin. It was again less than the commercial quantity and, therefore, he was let off on bail by

the competent court of law. He came out on bail and again indulged in the illicit traffic. On 14-04-2020 the petitioner was again caught with 6 grms of heroin and Rs. 60,000/- in cash but on presentation of the challan the petitioner was enlarged on bail. On 12-12-2021 again the petitioner was caught with 6 grams heroin and while the case was under investigation, the petitioner was enlarged on bail by competent Court. Again on 24.06.2023, the petitioner was caught with 11 gms of heroin, again a small quantity of contraband. The petitioner was again granted bail by the Court. Having regard to his past conduct and his continuous involvement in the illicit traffic without being deterred by registration of cases against him, the police authorities brought the entire material to the notice of the Detaining Authority. 18. As noticed above, in the instant case where the petitioner had been very smartly indulging in trafficking of heroin of small quantity and the rigors of Section 37 of NDPS were not attracted, an application for cancellation of bail or for that matter filing of appeal or revision would have been an exercise in futility. Registration of five cases in a row and the propensity of the petitioner to repeatedly indulge in illicit traffic of small quantity of a contraband which fetches highest price in international market was material good enough to invoke PITNDPS. The Detaining Authority, as is clearly apparent from the grounds of detention, applied its mind and reached subjective satisfaction that the petitioner is an incorrigible drug peddler and would not be deterred by the ordinary law of the land, therefore, it is imperative to place him under preventive detention with a view to preventing him from indulging in illicit traffic of narcotic drugs and psychotropic substances. With these observations, High Court dismissed the petition.

NC pays tributes to Bodhraj Bali on 21st death anniversary

STATE TIMES NEWS

JAMMU: Jammu and Kashmir National Conference on Sunday paid glowing tributes to former minister and senior party leader Bodh Raj Bali on his 21st death anniversary, describing him as a leader par excellence who devoted all his life in service of the people of Jammu and Kashmir.

Leading the party cadre in paying floral tributes to Bali, at a function held at Sher-e-Kashmir Bhavan here this morning, Provincial Secretary Jammu Sheikh Bashir Ahmed highlighted the immense contribution of the veteran leader in the development and progress of Jammu and Kashmir.

Paying tributes to Bali, Sheikh Bashir Ahmed Provincial Secretary Jammu said that the departed leader worked with a sense of commitment.

Sheikh Bashir Ahmed said that Bali worked tirelessly for the upliftment of poor and down-trodden in differ-

ent capacities. His contribution in strengthening National Conference at the gross root level in the Jammu Province remains a high point of his political career, he said, adding that the veteran leader made a distinct mark by serving the people, which will serve as a source of inspiration for the coming generations. Sheikh Bashir further said that Bali worked for strengthening the fabric of secularism and brotherhood in the state of J&K. Paying tributes to Bali, former minister and Central Zone President Jammu Babu Rampaul said the towering leader left an indelible mark on the National Conference cadre by dint of his determination and hard work besides strengthening the party at gross root level. He said the best tribute would be to strengthen the party at gross root level and make it a vibrant force to satiate the urges and aspirations of the people. He said that the late leader will be remembered for his high

political caliber and having passion for serving the people, especially poor and down-trodden.

Several senior leaders, including Pardeep Bali, Ayub Malik Provincial Secretaries Jammu, Bushan Lal Bhat former MLC, Vijay Lochan Chairman SC Cell, Abdul Gani Teli Chairman OBC Cell, Ankush Abrol Joint Secretary Jammu Province, Vijay Laxmi Datta Senior leader, Pyare Lal Sharma, G. H Malik, Rita Gupta Vice President Central Zone, Rakesh Singh Raka Vice President Central Zone, Dr. Vikas Sharma Secretary Jammu Province, S. Tejinder Singh Aman District President Jammu Urban YNC, Ashok Dogra Vice President District Jammu Urban, Master Aslam Secretary Central Zone, Ashwani Charak Block President Jammu East, Nitish Gowsami Provincial Secretary Jammu Province YNC, Som Raj Taroch, Ajay Kumar, Sewak Singh and others.

Lok Sabha elections: Home voting conducted for senior citizens, PWDs in four segments of Jammu

STATE TIMES NEWS

JAMMU: Home voting for senior citizens and PWDs was conducted in four segments of the Jammu Lok Sabha constituency, which goes to the polls in the second phase on April 26, officials said on Sunday.

The Election Commission, while announcing the Lok Sabha polls schedule, unveiled the 'Vote From Home' scheme, designed to facilitate the participation of citizens aged 85 and above and individuals with more than 40 per cent disabilities in the elections.

Home voting for senior citizens and persons with disabilities (PWDs) in Ramgarh, Samba and Ramgarh assembly constituencies of Samba district was held to ensure an inclusive and participative election, the officials said.

District Election Officer

(Samba) Abhishek Sharma constituted 49 teams to facilitate home voting of 514 voters. Of the 514 electors, 498

of the Jammu Lok Sabha seat, 191 people availed of the home voting facility and cast their ballots on the first day, they said.

To ensure democratic participation for all eligible voters, postal ballot voting at Postal Voting Centres under the absentee voters on essential services category was also conducted in Samba's three assembly segments. Of 136 employees from different departments who opted for postal ballots, 78 availed of the facility on April 20 and 21, the officials said.

The postal ballot option is allowing employees to fulfil their civic duties without the constraints of physical presence at polling stations, they added.



(96.88 per cent) exercised their franchise by availing of the home voting facility on the first day, they said. They added that a polling team travelled 25 kilometres by bus and seven kilometres on foot to reach the Padal village to facilitate home voting for Puran Singh, an elderly elector.

The polling teams also visited border villages adjacent to the interna-

BJP gave political reservation to STs, fulfilled promise with community: Ashok Koul in a ST rally

STATE TIMES NEWS

KALAKOT: Ashok Koul, General Secretary (organization), J&K BJP, said that the Modi government has fulfilled its promises made with the STs and other communities and gave a call of 'vote for Modi, vote for development' to the massive gathering of people belonging to the ST community during a public rally at Kalakot.

Ashok Koul, accompanied by Sanjay Baru, district prabhari, District President Neena Sharma, senior leader Sardari Lal, mandal



Ashok Koul, General Secretary (organization), J&K BJP addressing gathering rally at Kalakot.

president Vikram, BJYM leaders Yuvraj Singh, Wasim Kohli addressed a massive ST rally organized by former Minister Abdul Gani Kohli at Sial Sue in Kalakot-Sunderbani assembly constituency.

Ashok Koul, while addressing the rally, said that the Modi government is the only government since independence that has understood the core issues faced by the people belonging to different communities and sincerely worked to resolve them on priority. He said that the last 10 years of the Modi government have been marked by numerous such

decisions that have transformed the lives of people belonging to these communities. He said that the Gujjar-Bakerwal community is a nationalist community that faced the wrath of the previous governments owing to their simplicity and straightforwardness. He insisted that the previous governments led by parties like NC, Congress and PDP used the community as a vote bank only according to their interests and harmed their choice at every step. But the Modi government took substantial steps for their empowerment politically, socially and economi-

cally, gave them political reservations and took other steps for their welfare and asked them to vote massively in favour of the Modi government to continue the spree. Abdul Ghani Kohli, in his address, said that the Modi government has changed their lives in multiple ways. He asked the ST people present in the rally to tell the others how the earlier ruling parties deliberately kept them away from the development, but now, under the Modi government, the development has reached them in even the far-flung areas. Sanjay Baru asked them to vote and support Jugal Kishore Sharma to support the development works in the area and also to strengthen the hands of PM Modi by ensuring the Modi government for the third time. Neena Sharma stressed that the people in this area have full faith in the Modi government and have made up their minds to vote for the BJP candidate Jugal Kishore Sharma. Wasim Kohli presented the note of thanks.

Police hosts drug prevention awareness programme

STATE TIMES NEWS

BUDGAM: Continuing its steadfast motive towards a drug free society, Police in Budgam has organised a Drug Prevention Awareness Programme at Higher Secondary School Soibugh. The event was attended by over 100 students and staff members.

The program was focused on educating the participants about the ill effects of substance abuse thereby preventing their usage. During the programme an informative lecture, addressing the early signs of substance abuse, methods of detection and identification of potential abusers was delivered by In-charge drug-addiction centre DPL Budgam.

Moreover, the treatments that are available for the drug addicts were also discussed in detail. The event also emphasized on the crucial role that teachers play in the prevention of substance abuse. This program also included an intra school debate competition and the winners were distributed with certificates from Budgam Police.

M. Jackson Cultural Institute of Society Jammu holds auditions



STATE TIMES NEWS

AKHNOOR: M. Jackson Cultural Institute of Society Jammu, a pioneer Dancing Group organized audition of children in the discipline of dance, modeling and singing at P.C Vaid School, Sungal Morh Akhnoor. Children from different areas of Akhnoor showed their talent in the program organized under the supervision of J.R Sharma Jackson sir.

On the occasion, The 3 judges were appointed for the said audition included Poonam Rani, Harkirat Jijj, Rohini Magotra and selected about 20 children out of

40 and called them to the next round. On this occasion, J.R Sharma Jackson sir congratulated the children as well as parents and said that there is no lack of talent even in our rural areas. Such heroes just need to be polished and these children will go ahead and make a name for themselves in different fields. The children selected by our group will get full opportunity to perform in move ahead by working in tele films, short stories and albums also. Managing Director Sushil Sharma of P.C Vaidya School, Principal Lata Sharma said that our

school halls are always open for any kind of class training or dance group for the children and we are always ready to provide full support in such events. On this occasion, Vice Principal Bandana Jamwal, Shaili Sodhi, Khushi Sharma, Khushi Mehra, Sahil Kumar, Sagarika Sharma, Sugam Sharma and Suhani Jamwal were also present. Mr. Mohan Singh Jamwal also spoke on the occasion and appreciated the efforts of the M. Jackson Cultural Institute of Society Jammu for organised a programme in rural areas.

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