

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 25th OF APRIL, 2024

WRIT PETITION No. 11341 of 2024

BETWEEN:-

**SHUBHANGANA RAJE JAMNIA D/O RAJKUMAR
DHRUV, AGED ABOUT 27 YEARS, OCCUPATION:
UNEMPLOYED KUNJROD, DHAR (MADHYA
PRADESH)**

.....PETITIONER

**(BY SHRI V.K.JAIN, SENIOR ADVOCATE WITH SHRI
UTKARSH JOSHI, ADVOCATE FOR THE PETITIONER).**

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
PRINCIPAL SECRETARY DEPARTMENT OF
REVENUE VALLABH BHAWAN, BHOPAL (MADHYA
PRADESH)**
- 2. COLLECTOR DHAR COLLECTOR OFFICE DHAR
DIST. DHAR (MADHYA PRADESH)**
- 3. SDO PITHAMPUR, DHAR DHAR, PITHAMPUR,
DHAR (MADHYA PRADESH)**
- 4. ELECTION COMMISSION OF INDIA THROUGH
CHIEF ELECTION COMMISSIONER NIRVACHAN
SADAN, ASHOKA ROAD, NEW DELHI (DELHI)**
- 5. SUB DIVISIONAL AND ASSISTANT RETURNING
OFFICER LOK SABHA AREA 26, VIDHAN SABHA 201,
DHAR (MADHYA PRADESH)**

.....RESPONDENTS

**(BY MS.ARCHANA KHER, ADDL. ADVOCATE GENERAL APPEARING ON
BEHALF OF ADVOCATE GENERAL.
MS. MINI RAVINDRAM, ADVOCATE FOR RESPONDENT No.4).**

.....
This petition coming on for admission this day, the court passed

the following:

ORDER

1. This petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking the following reliefs:-

7. "A. This Hon'ble Court may kindly be pleased to issue Writ of Mandamus or any othe appropriate Writ/Order/Direction to the SDO Pithampur to issue the Digitalized Caste Certificate in pursuance to the previously issued manual certificate (No.2548/B-121/2013-14, dated 06.06.2014)

B. This Hon'ble Court may kindly be pleased to issue Writ of Certiorari or any other appropriate Writ/Order/Direction to quash the impugned order bearing no.0075/B-121/2023-2024 dated 01.02.2024 passed by the SDO Pithampur in 2023-24 being illegal arbitrary and passed without considering the previous caste certificate issued by him.

C. This Hon'ble Court may further be pleased to pass any order in view of the facts and circumstances of the case."

2. The grievance of the petitioner is that she is a prospective candidate for the Congress party in the forthcoming Loksabha Election from Dhar Constituency, and she is required to submit her candidature today only, and hence, she had applied for digitalized caste certificate as the present certificate, which she is having an old one i.e., of dated 06.06.2014, but the aforesaid application has been rejected by the Sub-Divisional Officer vide its order dated 01.2.2024, holding that a petition filed by the father of the present petitioner regarding his caste certificate is already pending before this Court.

3. Shri V.K. Jain, learned Senior counsel appearing for the petitioner has submitted that the petitioner is to submit her form

today only and it might prejudice her right if the fresh digitalized caste certificate is not issued to her.

4. Ms. Mini Ravindra, learned counsel for the respondent No.4/Election Commission of India has opposed the prayer and it is submitted that even as per the Handbook of the Returning Officer, the petitioner is not required to submit the digitalized caste certificate and the only requirement is the caste certificate.

5. Ms. Ravindran has also drawn the attention of this Court to the Form 2(a) under Rule 4 of Conduct of Election Rules, 1961 in which also it is provided that a person is required to declare and submit caste certificate only and there is no requirement of digitalized certificate.

6. In view of the same, this Court is of the considered opinion that no interference is called for at this stage, and accordingly, the petition is hereby *disposed of*, with a direction to the Returning Officer to accept the nomination form of the petitioner, in accordance with law, and should not insist on submitting the digitalized caste certificate.

Certified copy, today.

(SUBODH ABHYANKAR)
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