

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE PURUSHAINDRA KUMAR KAURAV
WRIT PETITION No.3246 of 2021

Between:-

**SHAIKH SHAHRUKH, S/O SHAIKH
MUKHTAR, AGED ABOUT – 28 YEARS,
OCCUPATION – AT PRESENT VICE
PRESIDENT, INDIAN YOUTH CONGRESS,
R/O WARD No.14, SUBHASHGANJ
UMARIYA, DISTRICT UMARIYA (M.P.)**

....PETITIONER

(BY MOHAMMAD AADIL USMANI, ADVOCATE)

AND

- 1. YOUTH CONGRESS ELECTION AUTHORITY,
5 RAISINA ROAD, NEW DELHI**
- 2. PUBLIC RELATION OFFICER, MAQSOOD
MIRZA YOUTH CONGRESS ELECTION
APPOINTED BY INDIAN YOUTH CONGRESS,
5 RAISINA ROAD, NEW DELHI**
- 3. BIJENDRA SINGH GAHARWAR, PRESIDENT
INDIAN YOUTH CONGRESS, UMARIYA,
DISTRICT UMARIYA (M.P.)**

....RESPONDENTS

Reserved on : 17.02.2022

Delivered on : 26.02.2022

ORDER

The petitioner has filed this petition under Article 226 of the Constitution of India for quashment of the result of election dated 18.12.2020 (Annexure P/3) for the post of President, Indian Youth Congress, Umariya being illegal and invalid.

2. The petitioner has submitted that he is a member of Indian Youth Congress, District Umariya which is National Political Party registered by the Election Commission of India under Section 29A of the Representation of Peoples Act, 1951. The petitioner is an active member of Indian Youth Congress and is having all the rights to vote for the organizational election in the district in accordance with the guidelines of the Indian Youth Congress Election Authority. He has stated that the respondents No.1 and 2 have failed to comply with the guidelines which are prescribed by the Election Commission in exercise of power conferred under Article 324 of the Constitution of India and hence, the writ petition is maintainable and this court should exercise power under Article 226 of the constitution to ensure that such a guideline is strictly followed and any election in violation of such a guideline should be set aside.

3. This Court is not inclined to entertain the present writ petition as Indian National Congress against whom a writ is sought is not a State within the meaning of Article 12 of the Constitution and as such no writ petition is maintainable. Same view has been taken by different High Courts in the matters of *M.Baga Reddy Vs. Sonia Gandhi*¹,

¹ 2001 SCC Online A.P. 414

*J.Jayachandran Vs. Election Commissioner of India*², *Hillari Zacharia Vs. Chief Election Commissioner*³.

4. So far as the submission of the petitioner with regard to framing of the guideline by the Election Commission of India under Article 324 of the Constitution, is concerned, the said argument does not have any substance as the Election Commission of India under Article 324 of the Constitution does not frame any guideline for the conduct of organizational election of any political party. Article 324 of the Constitution only vests the power to the Election Commission of India for superintendence, direction and control of the preparation of the electoral roles for, and the conduct of, all elections to the parliament and to the legislatures of every State and of the elections to the offices of President and Vice President held under the Constitution of India. Thus, the conduct of internal elections of any political party cannot be adjudged on the basis of guidelines framed by the Election Commission of India under Article 324 of the constitution.

5. Hence, this petition does not have any substance and the same is hereby dismissed.

(PURUSHAINDR KUMAR KAURAV)
JUDGE

Jasleen

2 2021 SCC Online Mad 6343

3 2019 SCC Online Ker 2950