



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-24012026-269556
CG-DL-W-24012026-269556

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 1] नई दिल्ली, जनवरी 18—जनवरी 24, 2026, शनिवार/पौष 28—माघ 4, 1947
No. 1] NEW DELHI, JANUARY 18—JANUARY 24, 2026, SATURDAY/ PAUSHA 28—MAGHA 4, 1947

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

केंद्रीय अधिकारियों (संघ राज्यक्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किए गए साधारण आदेश और अधिसूचनाएं
Orders and Notifications issued by the Central Authorities (Other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

अधिसूचना

नई दिल्ली, 17 दिसम्बर, 2025

आ. अ. 1.— लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग वर्ष 2024 की निर्वाचन याचिका संख्या 2 में माननीय उच्च न्यायालय, इलाहाबाद के दिनांक 10 अक्तूबर, 2025 के निर्णय को एतद्वारा प्रकाशित करता है।

[फा. सं. 82/उ0प्र0-लो0स0/2/2024(इला.)]

आदेश से,

अजय कुमार वर्मा, सचिव

ELECTION COMMISSION OF INDIA**NOTIFICATION**

New Delhi, the 17th December, 2025

O. N. 1.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgement dated 10th October, 2025 of the Hon'ble High Court of Judicature at Allahabad in Election Petition No. 2 of 2024.

[F. No. 82/UP-HP/2/2024(Alld.)]

By Order,

AJAY KUMAR VERMA, Secy.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ELECTION PETITION NO. 2 OF 2024

(Under Sections 80, 80 – A, 81, 82, 83 and 117 of the Representation of People Act, 1951)

DISTRICT – GAUTAM BUDH NAGAR

Geeta Rani Sharma (In- person) D/o Sri Parshadi Lal
Sharma R/o Village Veerkhera, Post Chandaru, District
Bulandshahr (Independent Candidate)

... .. **Petitioner**

Versus

1. Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi 110001 through its Chief Election Commissioner.
2. District Magistrate, Gautam Budh Nagar, District Gautam Budh Nagar.
3. Dr. Mahesh Sharma S/o late Sri Kailash Chandra Sharma R/o Sector 15A, Noida, District Gautam Budh Nagar (Candidate of Bhartiya Janta Party)
4. Bheem Prakash Jiyasu S/o late Hari Singh Jigyasu R/o Saraswati Kunj, Chipiyana Khurd, P.S. Bistrakh, Dadri, District Gautam Budh Nagar (Candidate of Veero Ke Veer India Party).
5. Kishor Singh S/o Mangal Dev Singh R/o Village Sadar Sarai, Sector 46, Noida, District Gautam Budh Nagar (Candidate of National Party)

... .. **Respondents**



2025:AHC:182033

HIGH COURT OF JUDICATURE AT ALLAHABAD
ELECTION PETITION No. - 2 of 2024

Geeta Rani Sharma

.....Petitioner(s)

Versus

Election Commission Of India And 4 Others

..... Respondent(s)

Counsel for Petitioner(s)

: In Person

Counsel for Respondent(s)

: Ashutosh Mishra

Court No. - 3**HON'BLE SAUMITRA DAYAL SINGH, J.**

1. Heard Ms. Geeta Rani Sharma, election-petitioner in person.

2. This is an Election Petition filed for the following relief:

" Set aside the impugned order dated 05.4.2024 passed by the Returning Officer, 13-Gautam Budh Nagar Lok Sabha Constituency Area, Gautam Budh Nagar, rejecting the candidature/nomination form of the petitioner.

Declare the election result dated 04.06.2024 as well as the election of the respondent no. 3 as the Member of Parliament (House of the People) of the 13-Gautam Budh Nagar Lok Sabha Constituency Area, Gautam Budh Nagar as null and void and set aside the same."

3. The instant Election Petition has remained pending for more than one year.

4. Initially orders dated 06.9.2024 and 20.9.2024 were passed granting time to the election-petitioner to refine her stand. Thereafter, the matter was heard on 18.10.2024. On that date, below quoted order was passed:

"1. Heard the election petitioner who chooses to appear in person and Sri Ashutosh Mishra learned counsel for the Election Commission of India.

2. *At the outset, Sri Ashutosh Mishra learned counsel for the Election Commission of India has raised a preliminary objection praying for deletion of the Election Commission of India as party respondent from the array of parties.*

3. *That objection had been raised on the first hearing itself i.e. 06.9.2024. Time was granted to the election petitioner to examine the matter. This is the third listing of the case. Instead of filing any application for deletion of Election Commission of India as party respondent from the array of parties, the election petitioner has filed Supplementary Affidavit reiterating her stand to retain the Election Commission of India as party respondent in these proceedings.*

4. *During the course of oral submissions, it has been submitted that the present case does not involve any allegation of corrupt practice adopted by any of the contesting respondents. On that strength of reasoning, distinction has been attempted to be drawn from the ratio in Jyoti Basu and Others Vs. Debi Ghosal and Others (1982) 1 SCC 691, B. Sundara Rami Reddy Vs. Election Commission and Others (1991) Suppl. (2) SCC 624, Michael Fernandes Vs. C.K. Jaffar Sharif and Others AIR 2002 SC 1041 and Tej Bahadur Vs. Narendra Modi Supreme Today 2019 Supreme (All.) 1898.*

5. *Further relying on a decision of the Supreme Court in Deepak Bajaj Vs. State of Maharashtra and Another (2008) 16 SCC 14, it has been submitted that the ratio of those decisions must be understood in the background of facts of that case. In the present case, since no allegation of corrupt practice has been made, the decisions relied by the learned counsel for the Election Commission of India are not applicable.*

6. Further, the election petitioner would contend that the provisions of the Representation of People Act, 1951 (hereinafter referred to as the Act) are not exhaustive with respect to parties to be impleaded in an election petition. It is her case, since her grievance is with respect to wrongful rejection of nomination papers by the Returning Officer under Section 100(1)(c) of the Act, Election Commission of India is a necessary party.

7. Proceedings of election petition are statutory. The act itself offers complete procedure for challenge to be raised by means of filing an election petition.

8. Section 82 of the Act reads as below:

"82. Parties to the petition- A petitioner shall join as respondents to his petition-

(a) where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition."

9. In view of the above, the election petitioner is not at liberty to implead parties of her choice. Her challenge would survive so long as she complies with the law and the procedure contained in the Act. In view of the above, let the Election Commission of India impleaded as party respondent No. 1 be deleted from the array of parties. For the same reason, let the District Magistrate, Gautam Budh Nagar, District Gautam Budh Nagar impleaded as party respondent No. 2 be deleted from the array of parties.

10. Since no relief has been sought to declare the election petitioner duly elected, impleadment of respondent Nos. 4 and 5 is also improper and not required. Let those respondents be also deleted. The remaining respondent-Dr. Mahesh Sharma may remain the sole respondent in the array of parties.

11. Election petitioner is granted a week's time to make the necessary corrections. Thereafter necessary corrections be incorporated in the computerised records.

12. Issue notice to the respondent by ordinary process as well as by registered post in terms of Rule 6 of Chapter XV-A of the Allahabad High Court Rules, 1952 (hereinafter referred to as the "Rules"), returnable at an early date. Publication be also made in terms of Clause (b) of Rule 6 of Chapter XV-A of the Rules.

13. Steps be taken within a week.

14. On or before the next date fixed, the respondent shall appear and answer the claim and if he wishes to put up the defence, he shall file his written statement together with a list of all documents whether in his possession or power or not, upon which he intends to rely as evidence in support of his defence, in terms of Rule 5 of Chapter XV-A of the Rules.

15. List this matter on January 10, 2025 at 3.00 P.M.

16. In default of appearance being entered by the respondent on or before the date fixed, the election petition may be heard and determined in his absence.

Application No. Nil of 2024, dated 18.10.2024

17. Sri Ashutosh Mishra learned counsel for Election Commission of India has filed the present application. Office is directed to number the application.

18. By means of this application, Sri Ashutosh Mishra has sought release of Electronic Voting Machines that are kept in safe custody.

19. A copy of that application has been served on the election petitioner.

20. Since the challenge in the election petition is confined to the rejection of nomination papers of the election petitioner, she can have no possible objection to the release of the Electronic Voting

Machines.

21. *Accordingly, present application is allowed.*

22. *Let the Electronic Voting Machines be released. "*

5. On the next date i.e. 10.1.2025, it was informed that the election-petitioner has approached the Supreme Court by means of Special Leave to Appeal (C) NO. 30277 of 2024 (Geeta Rani Sharma Vs., Election Commission of India and Others) and order dated 02.1.2025 has been passed thereon. For ready reference, that order passed by the Supreme Court reads as below:

"It is submitted that respondent nos. 1 and 2, namely, the Election Commission of India and the District Magistrate, Gautam Budh Nagar, District- Gautam Budh Nagar, Uttar Pradesh, have been deleted from the array of parties. In this case, the nomination papers, as per the allegations made, were wrongly rejected. The winning candidate will not be able to answer the said assertion.

The High Court was, therefore, wrong in deleting respondent no. 2., the District Magistrate, Gautam Budh Nagar, District - Gautam Budh Nagar, Uttar Pradesh, from the array of parties.

Issue notice, returnable in the week commencing 24.03.2025. Notice will be served by all modes, including dasti."

6. Considering the fact that no interim protection had been granted by the Supreme Court in favour of the election-petitioner and at the same time it was noted that the election-petitioner had not complied with the earlier order, to the extent steps had not been taken by her, in those circumstances, the matter was fixed for 25.04.2025 with the following observations made in the order dated 10.1.2025:

" However, no consequential order is being passed with respect to the same in view of the pendency of the Special Leave to Appeal, against the earlier order."

7. Thereafter the matter was listed on three other occasions. On 25.4.2025 the election-petitioner appeared and apprised the Court that the next date fixed in the proceedings before the Supreme Court is 29.4.2025. Accordingly, her prayer to list the case in the last week of May 2025 was granted with the matter directed to be listed on 01.8.2025.

8. On that date, the election-petitioner was not present. Yet, keeping in mind the interests of justice, adjournment was granted, though not prayed for. Accordingly, the case was directed to be listed on 26.9.2025. On that date, another adjournment was granted and the case fixed for today. For ready reference, order dated 26.9.2025 reads as below:

"1. Today, the election petitioner appeared in person, though, she prays for time to file proper application to seek extension of time to take steps to the order dated 18.10.2024.

2. List again on 10.10.2025."

9. Today, instead of filing any application to seek extension of time, the election-petitioner has filed Supplementary Affidavit. After paragraph-17 of that Supplementary Affidavit, following prayer has been made:

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

A. *Allow the present Application and give effect to the Order dated 02-01-2025 passed by the Hon'ble Supreme Court of India in Petition(s) for Special Leave to Appeal (C) No. 30277 of 2024.*

B. *Recall/modify the Order dated 18-10-2024 passed by this Hon'ble Court in Election Petition No. 2 of 2024, to the extent that it deleted Respondent No. 2, the District Magistrate, Gautam Budh Nagar, from the array of parties.*

C. *Direct the Registry of this Hon'ble Court to immediately re-array the District Magistrate, Gautam Budh Nagar as Respondent No. 2 in the cause title and records of Election Petition No. 2 of 2024.*

D. *Pass any other and further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

10. The position has been explained to the election-petitioner in vernacular, for her convenience. Thus, it clearly maintains that the petitioner only wants to press prayer No. A, B and C made by means of the Supplementary Affidavit, filed today. No other prayer was made.

11. Clearly, the election-petitioner has not complied with the terms of the order dated 18.10.2024. Further, though there is no interim protection granted in her favour by the Supreme Court, she has also

not complied with the order dated 26.9.2025 granting her time to seek extension of time to take steps. Instead, the affidavit containing the prayer filed today requires the Court to give effect to the order passed by the Supreme Court on 02.1.2025 which the election-petitioner understands to be her prayer to recall the order dated 18.10.2024 (against which the Special Leave to Appeal is already pending). Prayer 'C' is consequential to prayer 'B'.

12. Perusal of the order dated 02.1.2025 (passed by the Supreme Court, quoted above) is not an order either staying the proceedings in the Election Petition or modifying the order dated 18.10.2024. Therefore, prayer 'A' made by the election-petitioner requires no further consideration, especially in view of the fact that leave to appeal sought by the petitioner has yet not been granted and there is no interim order passed by the Supreme Court.

13. The prayer to recall the order dated 18.10.2024 merits no further consideration in view of the fact that the order dated 18.10.2024 is self speaking/reasoned and no contrary position in law has been shown, as may commend to this Court to recall its earlier order.

14. In view of that appraisal, prayer 'C' which is consequential to prayer 'B' may never be granted.

15. In absence of steps taken in compliance of the order dated 18.10.2024, the Election Petition is **dismissed**.

16. However, it is left open to the election-petitioner to seek recall of this order if she succeeds in the proceedings pending before the Supreme Court.

October 10, 2025

SAUMITRA DAYAL SINGH, J.