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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8077/2020 and CM No. 26258/2020

THE PLURALS PARTY THROUGH
ITS GENERAL SECRETARY

..... Petitioner

Through Mr.Jatan Singh, Mr.Amit Kumar
Sharma, Mr.Satayam Singh and Ms.Deeksha
Singh, Advs.

versus

ELECTION COMMISSION OF INDIA THROUGH ITS CHIEF
ELECTION COMMISSIONER

..... Respondent

Through Mr.Sidhant Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

20.10.2020

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This hearing is conducted through Video-Conferencing.

1. This writ petition is filed by the petitioner seeking the following reliefs:-

“1. Direct the respondent, ECI to allow the members of the Plurals Party to file nomination and contest first phase of Bihar Assembly Election, 2020 scheduled to be held on 28.10.2020 under the banner of The Populist Party.

2. Direct the respondent to allow use of a common Election Symbol of Chess Board or any other free Symbol chosen by the party to all the candidates set up by the party for contesting election in the Bihar Assembly Election of 2020.”

2. The case of the petitioner is that the petitioner party, namely, Plurals

Party was granted registration on 13.10.2020. Learned counsel for the petitioner has placed reliance on a communication dated 13.10.2020 where para 4 reads as follows:-

“4. It may be noted that the registration will not entitle the party to the reservation of any exclusive symbol for it. The candidates duly set up by the party at an election will be entitled to benefits of preference in allotment of free symbols over independency candidates under paragraph 12 of the Election Symbols (Reservation & Allotment) Order, 1968. However, under the provisions of paragraph 10B of the Symbols Order, the candidates set up by a registered un-recognized political party contesting from a minimum of 5% of the seats, at a general election to the Legislative Assembly of a State or to the House of the People, may be allotted a common symbol from the list of free symbols, provided the party fulfils each of conditions mentioned in the said para 10B.”

3. It is stated by the time the aforesaid order of registration was received, the last date of the first stage for filing nominations for the elections in the State of Bihar was over. However, in the second stage, it is claimed, 73 candidates of the petitioner party filed nominations out of which 63 nominations have been accepted. Large number of candidates have been given a symbol of CHESS BOARD. Hence, it is prayed that CHESS BOARD is a free symbol and same may be allotted to the petitioner party in view of the aforesaid communication issued by the respondent.

4. Learned counsel appearing for the respondent has raised a preliminary objection stating that the present relief sought is barred under Article 329(b) of the Constitution of India. He also relies upon the judgment of a Coordinate Bench of this court in the case *Sanjoy Sachdev vs. Chief Election Commission*, *ILR (2003) 2 Delhi 529* and the judgment of the

Supreme Court in the case of *Mohinder Singh Gill and Anr. Vs. Chief Election Commissioner New Delhi & Ors, AIR 1978 SC 851*. It has been pleaded that the term 'election' includes all steps and the entire proceedings commencing from the date of notification of election till the date of declaration of the result.

5. Learned counsel for the petitioner states that there is no interim injunction application with this petition and that there is no intention to interdict the election process.

6. Issue notice.

7. Learned counsel for the respondent accepts notice.

8. Counter-affidavit be filed within four weeks from today. Rejoinder, if any, be filed within four weeks thereafter.

9. List on 21.12.2020.

JAYANT NATH, J

OCTOBER 20, 2020

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