
(2019) 02 CHH CK 0344
Chhattisgarh High Court
Case No: Writ Appeal No. 134 Of 2019

R.S. Rathore

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Feb. 20, 2019

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench: Division Bench

Advocate: Hemant Kesharwani, Richa Shukla, R.S. Marhas

Final Decision: Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Heard the learned counsel for the Appellant, learned Deputy Government Advocate for the State and learned counsel for the Respondent No. 4.

2. Writ application of the present Appellant was dismissed by the learned Single Judge vide his order dated 25.01.2019. He approached the writ Court

challenging the order dated 17.01.2019 passed by the Collector-cum-District Election Officer, Kabirdham attaching his services with the office of the

District Election Officer.

3. Stand taken before the learned Single Judge was that he is a Class-II Officer, therefore, the Collector could not exercise such authority over him

and since there is no notification as such in relation to any elections, therefore, such order should be interfered with it.

4. The learned Single Judge has taken note of the fact that the Lok Sabha election is round the corner and that under the Representation of the People

Act, 1951, the Election Officer has been given the widest power to depute or take assistance of man, material and property for preparation or conduct

of election.

5. Since it is a temporary arrangement, the learned Single Judge has rightly dismissed the writ application and we do not find any infirmity with the view so taken, keeping in mind the statutory provision and the powers conferred on the Collector as the District Election Officer.

6. Appeal has no merit. It is dismissed.