

SHRI ALL INDIA SHWETAMBER STHANAKWASI JAIN CONFERENCE,  
12, SHAHEED BHAGAT SINGH MARG, NEW DELHI

RASHTRIYA CHUNAV SAMITI-ELECTION 2021-23

Bench:

Adv. D. D Khabia, Rashtriya Mukhya Chunav Adhikari

CA Rajiv Jain, Rashtriya Sah Chunav Adhikari

Adv. Ajit Chhallani, Rashtriya Sah Chunav Adhikari

Name of the Candidate	Jitendra Chopda, LM No 23370
Nominated Post	Prantiya Adhyaksh Zone-III Madhya Pradesh
Name of Complainant	Jitendra Chopda
Date of the decision	22-04-2021

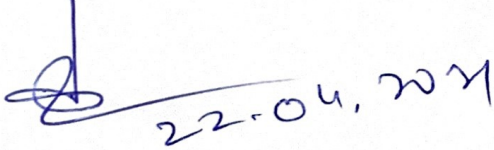
Order-

1. This complaint is filed before Rashtriya Chunav Samiti by Shri Jitendra Chopra, LM No 23370 who has filed his nomination No 044 for the post of Prantiya Adhyaksh, Zone-III Madhya Pradesh which was rejected by Prantiya Chunav Samiti citing lack of eligibility to contest the election which is challenged by the complainant.
2. The complaint reached Rashtriya Chunav Samiti before 4.00 pm 19<sup>th</sup> April 2021 and was listed for hearing at 2.30 pm on 21<sup>st</sup> April 2021 to be held in virtual mode on zoom platform. Complaint was forwarded to Shri I C Jain, Prantiya Chunav Adhikari and his reply is placed on record.
3. During hearing Shri Jitender Chopda, the complainant and Shri I C Jain, Prantiya Chunav Adhikari, Indore, appeared and made their respective submissions which were duly heard.
4. Shri Jitendra Jain while filing his nomination mentioned his eligibility for filing his nomination for his being Prantiya Yuva Adhyaksh for two periods i.e. 2010-2012 and 2012-2014. Prantiya Chunav Samiiti opined that holding the post of Prantiya Yuva Adhyaksh only qualifies as a member of Prantiya Karyakarini and cannot be counted as Prantiya Post(Pad). In case of member of Prantiya Karyakarini the eligibility is holding of three tenures in Prantiya Karyakarini, therefore, he was not eligible to contest the election of Prantiya Adhyaksh.
5. Shri Jitendra Chopda pleaded that earlier he filed his nomination in the year 2018 for the post of Prantiya Adhyaksh which was approved. We find that in the nomination filed in 2018 he has also mentioned his tenure as Prantiya Upadhyaksh during 2014-2016 besides

his two tenure as Yuvadhyaksh. He pleaded that he bonafide believed in his interpretation that Yuvaadhyaksh is a Prantiya Post and therefore, there was unintentional omission to mention his also holding the post of Upadhyaksh in past. He further submitted that during the scrutiny process no opportunity was afforded to him apprising his ineligibility or to make any rectification.

6. We find that process of scrutiny of nomination forms is guided by Section 36(2) and 36(4) of The Representation of the People Act, 1951 and for rectification of any omission or mistake which is not substantial in nature, the Prantiya Chunav Adhikari was bound to grant him an opportunity.
7. Further, we also find that as per rule 8 (क) (अ) B6 at page no 52/53 of Constitution of Shri All India Shwetamber Jain Conference, which defines Prantiya Karyakarini Samiti, Yuvaadhyaksh is member of Prantiya Karyakarini Samiti only because of holding of post of Prantiya Yuva Adhyaksh, therefore, he is qualified to contest the election of Prantiya Adhyaksh by holding two tenures as Prantiya Yuva Adhyaksh.
8. In the result the complaint is hereby allowed and nomination of Shri Jitendra Chopda is directed to be accepted a valid.

For Rashtriya Chunav Samiti



22-04, 2021

Rajiv Jain

Rashtriya Sah Chunav Adhikari