



2026:AHC:58299

Reserved on 26.02.2026
Delivered on 20.03.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 6698 of 2026

Smt. Asha Devi

.....Petitioner(s)

Versus

State of U.P. and 5 others

.....Respondent(s)

Counsel for Petitioner(s)	: Narayan Dutt Shukla, Rituvendra Singh Nagvanshi, Sr. Advocate
Counsel for Respondent(s)	: C.S.C.

Court No. - 36

HON'BLE ARUN KUMAR, J.

1. Heard Sri Rituvendra Singh Nagvanshi, learned counsel for the petitioner and the learned Standing Counsel for the respondent nos. 1 & 2.

2. The present writ petition has been filed challenging the proceedings of the Civil Revision No. 19 of 2025 (Pooja Devi Vs. Asha Devi) pending in the Court of Additional District Judge, Fast Track Court-II, Deoria, filed under Section 12-C(6) of the U.P. Panchayat Raj Act, 1947 and the orders dated 12.05.2025; 20.08.2025 and 03.01.2026, passed in it.

3. The facts of the case as discernible from the writ petition are that in the election of the Gram Panchayat Kalaban, Development Block Gauri Bazar, District Deoria, held in the year 2021, Smt. Pooja Devi was declared elected as Gram Pradhan. The said election was challenged by

the petitioner, Smt. Asha Devi, by filing an Election Petition No. 7085 of 2021, before the Prescribed Authority, under Section 12-C of the Act. The said election petition was consigned to records by the order of the Sub-Divisional Officer, Deoria, dated 19.09.2024, directing recounting of votes.

4. Smt. Pooja Devi, the respondent no. 3, filed Writ-C No. 32849 of 2024, challenging the aforesaid order. The said writ petition was allowed by the judgment and order dated 03.10.2024, setting aside the order of the Prescribed Authority, dated 19.09.2024 and a direction was issued to pass fresh orders, in accordance with law.

5. The Prescribed Authority by its order dated 01.04.2025, again directed for recounting of votes, fixing 11.04.2025, as the next date in the election petition. The order of the Prescribed Authority, dated 01.04.2025 was again challenged by Smt. Pooja Devi in Writ-C No. 10162 of 2025. This Court by judgment and order dated 08.04.2025 dismissed the aforesaid writ petition, upholding the order dated 01.04.2025.

6. In pursuance of the order of the Prescribed Authority, dated 01.04.2025, recounting of votes were held on 08.04.2025, in which the petitioner was found to have secured 967 votes, against 965 obtained by Smt. Pooja Devi, the respondent no. 3. The Prescribed Authority by its order dated 28.04.2025 allowed the election petition and declared the petitioner, elected as Gram Pradhan of Gram Panchayat Kalaban.

7. The respondent no. 3, challenged the recounting of votes and the order of the Prescribed Authority, dated 28.04.2025, in revision, filed under Section 12-C (6) of the Act, which was registered as Civil Revision No. 19 of 2025. The respondent no. 3 had filed a stay application in the aforesaid revision, which was rejected by the revisional court, admitting the revision to be heard on merits. The petitioner filed an application dated 13.08.2025 in Revision No. 19 of 2025 with a prayer that the report of recounting held on 08.04.2025

alongwith the certificates of photography done be summoned, from the office of the Sub-Divisional Officer/Prescribed Authority, so that the revision could be decided, in accordance with law. The said application was rejected by the Additional District Judge-II, Deoria, by his order dated 20.08.2025. The petitioner again filed an application in the Revision No. 19 of 2025 with a prayer that as the order of recounting dated 01.04.2025 has already been upheld by the High Court in Writ-C No. 10162 of 2025, the present revision, against the recounting held on 08.04.2025, is an abuse of process of the Court, therefore, the revision should be dismissed, as not maintainable at the preliminary state itself. The Additional District Judge-II, Deoria, rejected the said application by his order dated 03.01.2026. Aggrieved by the order passed by the Revisional Court admitting the revision and rejecting the application of the petitioner for dismissing the revision at the preliminary stage has been challenged in the present writ petition.

8. It is contended by the learned counsel for the petitioner that the order of recounting passed by the Prescribed Authority on 01.04.2025 has already been upheld by the Hon'ble High Court, therefore, the revision filed challenging the order of the Prescribed Authority, dated 28.04.2025, allowing the election petition, would amount to sitting in appeal over the order of this Hon'ble High Court, as the process of recounting held on 08.04.2025, culminating in the passing of the order dated 28.04.2025, are consequential orders to the order of the Prescribed Authority, dated 01.04.2025. He further contended that in view of the fact that the order of recounting has been upheld by this Court, no effective relief can be granted to the revisionist/respondent no.3 in Revision No. 19 of 2025.

9. I have considered the submissions made by the learned counsel for the petitioner and perused the record.

10. The order of recounting dated 01.04.2025, was an interim order, passed pending election petition, against which no revision was maintainable under sub-section (6) of Section 12-C of the Act. As it does

not amount to disposal of an application under sub-section (1) of Section 12-C of the Act, as held by Division Bench of this Court in the case of Mohd. Mustafa Vs. Up Zila Adhikari and others, (2007) 6 AWC 5536, the challenge raised by the respondent no. 3 of the order of the Prescribed Authority, dated 01.04.2025 in Writ-C No. 10162 of 2025 was the only remedy available to her.

11. As the final orders passed in the election petition on 28.04.2025, setting aside the election of the respondent no. 3, and declaring the petitioner to have been elected as Gram Pradhan, the only remedy available to her is by filing revision under sub-section (6) of Section 12-C of the Act. The said right cannot be taken away of the losing party on the ground that she has very less chances of success in the revision. Moreover, the act of recounting held on 08.04.2025, subsequent to the order dated 01.04.2025, was not subject matter of challenge in Writ-C No. 10162 of 2025. If the respondent no. 3 establishes before the Revisional Court that the recounting held on 08.04.2025 is vitiated, then the order dated 28.04.2025, passed pursuant to the said recounting, can be set aside and the revisionist can be allowed.

12. In the aforesaid facts and circumstances, the argument of learned counsel for the petitioner that the proceedings of the Revision No. 19 of 2025 has only academic interest in which no relief can be granted to the respondent no. 3/revisionist, is misplaced and unsustainable.

13. In view of the aforesaid, the writ petition lacks merit and is accordingly dismissed.

(Arun Kumar,J.)

March 20, 2026

Ranjeet Sahu