

APHC010215992024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

Bench
Sr.No:-6
[3446]



WP(PIL) NO: 107 of 2024

Kesana Vishnu Vardhan Goud

...Petitioner

Vs.

The Election Commission Of India/ECI and Others

...Respondent(s)

Party in Person, Advocate for Petitioner.

Mr. Avinash Desai for D S Sivadarshan, Vivek Chandra Sekhar S, Jupudi V K yagnadutt, Advocates for Respondents.

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE R RAGHUNANDAN RAO**

DATE : 8th May, 2024.

P. C. :

The issue that has been highlighted in the present public interest litigation is that women who are in the family way are prevented from casting their vote and therefore, just as the Government permitted the senior citizens above the age of 85 years to cast their vote through postal ballot, by amending the Conduct of Election Rules, 1961, a similar provision ought to be made by the Government/Election Commission of India for enabling such like women who are in a family way to cast their vote through postal ballot.

2. Reliance has been placed upon Section 60 of the Representation of People Act, 1951 which envisages a power vested in the Election Commission of India, in consultation with the Government, to enable any person belonging

to a class of persons notified by the Election Commission to give his vote by postal ballot. It was thus stated that even the Election Commission of India could have issued a notification enabling the casting of the vote of such like ladies.

3. Learned counsel for respondent No.1/Election Commission of India, Mr.Avinash Desai, however, submits that elections have already been notified and are in progress and therefore, the issue that has been raised by the petitioner in the present petition could be considered by the Election Commission of India, which would hold good for the elections whenever they are conducted in future.

4. Be that as it may, we dispose of the present Writ Petition (Public Interest Litigation) with a direction to the respondents that they should view the present petition as a representation on which an appropriate decision be taken by respondent No.1/Election Commission of India to consider as to whether ladies who are in family way should be permitted to cast their vote through postal ballot or not. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ.

R RAGHUNANDAN RAO, J.

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