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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 121]

भोपाल, मंगलवार, दिनांक 22 अप्रैल 2025—वैशाख 2, शक 1947

संसदीय कार्य विभाग

मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 22 अप्रैल 2025

क्र. 497—एफ—2—14—2017—दो—अड़तालीस.— माननीय राज्यपाल महोदय का आदेश दिनांक 4 अप्रैल, 2025, एतद्वारा, सर्वसाधारण की जानकारी के लिए प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

राजेश गुप्ता, अपर सचिव.

RAJ BHAVAN, Bhopal, Dated 4th April, 2025

ORDER

1. WHEREAS, Shri D.P. Saket, Jila Aadhyaksh, Akhil Bharat Anusuchit Jaati Parisad, Jila Shakha Satna has submitted a petition dated 12th January 2021 for alleged disqualification of Shri Jugal Kishore Bagri & Shri Shivdayal Bagri, member of the State Legislative Assembly under clause (1) of Article 191 read with Article 192 (1-2) of the Constitution of India.

2. WHEREAS, averment has been made in the said petition that Shri Jugal Kishore Bagri & Shri Shivdayal Bagri, were elected to the State Legislative Assembly on the basis of Scheduled Caste Certificate, but in Satna District Bagri/Bagdi Caste is not included in Scheduled Caste category therefore their election was disqualified by law made by Parliament, thus attracting disqualification from their membership.

3. AND, WHEREAS, in pursuance of clause (2) of Article 192 of the Constitution of India, the opinion of the Election Commission of India has been sought regarding the alleged disqualification of Shri Jugal Kishore Bagri & Shri Shivdayal Bagri, for being Member of the Legislative Assembly.

4. WHEREAS, the Election Commission of India has submitted its opinion Dated 20th March 2025 *vide* letter dated Nil (Annex-1).

5. The Election Commission of India opined with analysis that ---

- "4. It is a settled legal position that a reference on question of disqualification of a Member of State Legislature under Article 192 (2) of the Constitution is co-terminus with the life of the House to which the concerned legislator belongs. In the present case, the Commission had received the reference with regard to alleged disqualification of Respondents who belonged to the 15th Madhya Pradesh Legislative Assembly.
5. As mentioned above, after receipt of the reference, the Commission had sought factual information from Chief Secretary, Government of Madhya Pradesh and had - subsequently sent repeated reminders; however, no response has been received in the Commission till date.
6. The Commission *vide* Press Note No. ECI/PN/57/2023, dated 09th October 2023 announced the election to the Madhya Pradesh Legislative Assembly with the following schedule :—
- Date of Issue of Notification — 21-10-2023
- Last Date of making Nomination — 30-10-2023
- Date for Scrutiny of Nomination — 31-10-2023
- Last Date for the Withdrawal of Candidature — 02-11-2023
- Date of Poll — 17-11-2023
- Date of Counting — 03-12-2023
- Date before which the election shall be completed — 05-12-2023
7. After conclusion of the aforesaid election, the Hon'ble Governor of Madhya Pradesh *vide* Gazette Notification No. 212-PS- GMP-2023, dated 04th December 2023 dissolved the then existing Madhya Pradesh Legislative Assembly.
8. Furthermore, it is apposite to highlight that as per the latest amendment w.r.t the State of Madhya Pradesh in Constitution (Schedule Caste) Order (Amendment) Act, 2007, the caste "Bagri, Bagdi (excluding Rajput, Thakur sub-castes among Bagri, Bagdi)" is still mentioned in the Order. Only certain sub-castes appear to be excluded from the purview of the list but not the entire caste itself. Even at the time of filing of nominations before the RO during the LA Assembly elections, this factual matrix had not changed. In case the petitioner was aggrieved the appropriate remedy would have been to challenge the elections by filing election petition before the concerned high court within the period prescribed under the Representation of the People Act, 1951. However, the same was not done.
9. Since the question of disqualification of the Respondents raised through the present reference was co-terminus with the tenure of the House to which they belonged, the expiry of the term of the 15th Madhya Pradesh Legislative Assembly has made the present reference case in fructuous.

10. In view of the above, the reference dated 09th March 2021 is hereby returned to the Hon'ble Governor of Madhya Pradesh under Article 192 (2) of the Constitution of India, with the opinion that the said reference case is not maintainable under Article 192(1) of the Constitution of India as it has become in fructuous."

5. AND, WHEREAS, having carefully considered the facts on record as contained in the opinion of Election Commission of India and having been fully satisfied therewith.

6. NOW, THEREFORE, I, Mangubhai Patel, Governor of Madhya Pradesh in exercise of the powers conferred on me under clause (1) of Article 192 of the Constitution, do hereby decide that the petition dated 12th January 2021 filed by the Petitioner Shri D.P. Saket, Jila Aadhyaksh, Akhil Bharat Anusuchit jaati parisad, Jila Shakha Satna against Shri Jugal Kishore Bagri, MLA Raigaon, District Satna and Shri Shivdayal Bagri, MLA Gunor, District Panna is not maintainable under Article 192(1) of the Constitution of India.

MANGUBHAI PATEL
Governor,
Madhya Pradesh.