




**IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA**


②

Case Title: Ajmal Khan vs District Returning Officer etc

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
<p><b>Superintendent Note</b></p>	<p>24.02.2022</p>	<p>Election Appeal presented through counsel, Malak Muhammad Farooq Khattak Advocate to the office of Superintendent. Be put up before District Judge, Orakzai, for further orders, please.</p> <p align="right">   <b>(SUPERINTENDENT)</b>                      To District Judge, Orakzai at Baber Mela.                 </p>
<p><b>Order No.01</b></p>	<p>24.02.2022</p>	<p>Register. Copy of form-IX and original nomination papers of the appellant be requisitioned from the Returning Officer for the date fixed as 25.02.2022.</p> <p align="right">   <b>(SHAUKAT AHMAD KHAN)</b>                      District Judge, Orakzai at Baber Mela                 </p>
<p><b>Order No.02</b></p>	<p>25.02.2022</p>	<p>Appellant Ajmal Khan alongwith his counsel Muhammad Farooq Advocate present. Returning Officer present and submitted copy of form-IX and original nomination papers of the appellant. Placed on file. Arguments heard.</p> <p>Perusal of case file shows that the name of the appellant Ajmal Khan has been proposed for category of the seat of General Council by Ism e Azam and seconded by Akhtar Gul vide form-IV on 14.02.2022. The Returning Officer on 22.02.2022 has rejected the nomination papers during scrutiny vide his order mentioned below;</p> <p align="center"> <i>“Rejected due to incorrect filling of the form, as his name was included in VC Zakhtan while his vote is in VC Khadizai, and also one of his seconders is a government</i> </p>

  
**Shaukat Ahmad Khan**  
 District & Sessions Judge,  
 Orakzai at Baber Mela  
 28/02/22

3

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
		<p><i>servant. His proposer has already proposed another candidate. Furthermore, the forms of the candidate are also incomplete”</i></p> <p>Being aggrieved the appellant submitted the instant appeal.</p> <p>I heard arguments and perused the record.</p> <p>Perusal of the case file shows that the incorrect filling of the form to the extent of writing “VC Zakhtan” instead of “VC Khadizai”, is a formal defect which can be remedied under sub-clause III to sub-clause (D) of clause (3) of Rule 18 of the Khyber Pakhtunkhwa Local Government (Conduct of Elections) Rules, 2021; however, the appellant has neither signed the declaration on form-IV as required under sub-clause (a) to clause (2) of Rule 16 nor he has given a solemn affirmation as required under clause (2) of Rule 16 of the ibid rules. Similarly, the appellant has also not provided the statement of his assets and liabilities on form-IV.</p> <p>The aforementioned defects are substantial in nature and cannot be remedied; therefore, it is held that the Returning Officer has rightly rejected the nomination papers of the appellant. Hence, the appeal being devoid of merits, is turned down. File of this court be consigned. Record of the Returning Officer be returned forthwith with a copy of this order for information.</p> <p><b><u>Pronounced:</u></b> 25.02.2022.</p> <p style="text-align: right;"> <b>(SHAUKAT AHMAD KHAN)</b> District Judge, Orakzai at Baber Mela</p>