



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

D.B. Civil Writ Petition No. 14697/2021

Abdul Mannan S/o Abdul Qayyoom, Aged About 26 Years, Mayor  
Palace, Bye Pass Road, Makrana (Nagaur), Rajasthan.

----Petitioner

Versus



1. Union Of India, Through The Secretary, Ministry Of Law And Justice, Legislative Department Shastri Bhawan, New Delhi-110001
2. Chairperson, Election Commission Of India, Nirvachan Sadan, Ashok Road, New Delhi
3. Chairperson, Election Commission Of Rajasthan, Jaipur
4. Law Commission Of India, Through The Chairman/secretary 4Th Floor, Loknayak Bhawan, Khan Market, New Delhi-110003
5. State Of Rajasthan, Through The Secretary Ministry Of Rural And Panchayati Raj, Government Of Rajasthan Secretariat, Jaipur.
6. State Of Rajasthan, Through The Secretary Ministry Of Urban Development.

----Respondents

सत्यमेव जयते

Petitioner(s) : Mr. Abdul Mannan, petitioner present  
in person.

For Respondent(s) : ---

**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI  
HON'BLE MR. JUSTICE SANDEEP MEHTA**

**Order**



**25/10/2021**

The petitioner has prayed for the following reliefs:-

*"It is most respectfully prayed that this Hon'ble Court may be pleased to issue a writ, order or direction or a writ in the nature of mandamus or an appropriate writ to the Respondents to make mandatory direction to fix minimum educational qualification as graduation (Bachelor Degree) as well as to insert the provision of minimum educational qualifications as graduation for the (MP's and MLA's) contesting candidates in Indian election under section 3 to 6 of Part II of the representation of peoples act 1951 which prescribes about the qualifications and disqualifications of the members of parliament of state.*

*It is the most respectfully prayed that this Hon'ble Court may be pleased to issue a writ, order or direction or a writ in the nature of mandamus or an appropriate writ to the Respondents to restored the provision of rule 19 (R,S,T) of rajasthan panchayati Raj (Second Amendment) Act 2015 and 21(F) of Rajasthan Municipalities (Second Amendment) Act 2015 which prescribe the minimum educational qualification and deleted vide notification dated 22.02.2019."*

Essentially, the petitioner requires the Court to give mandamus to the Legislature to frame laws in a particular manner, which by well settled principles, the Court cannot and would not do. What should be the minimum education qualification for election to Public Institutions, in any case, cannot be a subject matter of consideration by the Court. It may be that earlier the State Legislature had introduced the requirement of minimum education qualification for a person to be qualified to be elected for Panchayati Raj or Municipal Institutions, however, by later amendment, such qualifications have been deleted. The petitioner has not challenged the amendment.



By merely asking the State Legislature to re-introduce such requirements, the petitioner essentially seeks a direction to the local Legislature to frame law in a particular manner.

In the result, the petition is dismissed.

**(SANDEEP MEHTA),J**

**(AKIL KURESHI),CJ**



सत्यमेव जयते