ORDER SHEET

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P No.D-2000 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE

15.06.2022

Mr. Irshad Ahmed, advocate for petitioner

Mr. Muhammad Ismail Bhutto, Additional A.G Sindh

Senior Law Officer ECP (**Abdullah Hanjra**) & District Election Commissioner Sanghar (**Shahnawaz Brohi**)

***

Learned counsel for the petitioner has contended that nomination papers of petitioner were rejected by the Returning Officer because under Section 18(2)(a) of the Sindh Local Government Act, 2013 the Chairman and Vice Chairman can contest as '*joint candidates*', but since the Vice Chairman (*Respondent No.6*) subsequently withdrew from the nomination and as such the Returning Officer was of the view that Chairman cannot apply as a '*single candidate*, without Vice Chairman.

We have heard the parties and perused the record. In a recent order dated 01.06.2022 passed by the Sukkur Bench of this Court in C.Ps No.D-603 & 604 of 2022 (*Re: Imdad Ali & Others versus Gulab Khan & Others*) it has been held that such unilateral withdrawal is not permissible. The relevant portion of the order is reproduced herein below:

> " The Petitioner's case is that initially though he filed his nomination as Chairman along with Respondent No.1 as Vice Chairman, but thereafter withdrew such nomination and he filed the second nomination along with another Vice Chairman, which was accepted by the Returning officer. However, we are of the view that since the first nomination was a joint nomination by the Petitioner and Respondent No.1 as Chairman and Vice Chairman, hence, could not be withdrawn unilaterally by the Petitioner alone and the withdrawal can only be made by both the persons i.e the Chairman and the Vice Chairman."

Mr. Abdullah Hanjra, Senior Law Officer ECP has also confirmed to this Court that he has received the Guidelines from the Election Commission of Pakistan that in such scenario the reasons set out above in the case of Imdad Ali (*supra*) should be followed. Under these circumstances we allow this petition.

JUDGE

JUDGE

Sajjad Ali Jessar