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(English Only) By. A.V. Kushwaha

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*If you are not  
upgrading, you are  
downgrading.*

**SSC/Court Skill Test Based Dictations:** It covers all skill tests conducted by SSC etc including any Court (Supreme Court, High Court, District Courts, Tribunals, Law Firms).

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The question as regards declaring a candidate as disqualified may arise not only before an election is held but also after the election process is over; and thus, whereas in the former case, it will be the Authorized Officer concerned who can determine the question of disqualification but in a case where processes are initiated after the election, the Deputy Commissioner alone would be the prescribed authority. If a candidate or a voter had the knowledge that the elected candidate was disqualified in terms of Section 122 of the Act, he may file an application.

It is well settled that a statutory provision should be read harmoniously in its entirety and no part thereof shall be read in isolation. Particularly it should be read in such manner as not to render any other part thereof ineffective and redundant.

The case concerns the disqualification of a Zila Parishad member who had been declared an encroacher under the Himachal Pradesh Public Premises (Rent Recovery & Land Eviction) Act, 1971 prior to the election. Proceedings were later initiated before the Deputy Commissioner, who set aside the election on the ground of disqualification.

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Various applications and representations on diverse subjects are received by the Chief Ministers of the States as the Head of the State and in respect of the Ministries under their control. Often such applications are directly addressed by members of the public to the Chief Minister. The Chief Minister then endorses the same to the concerned department so that the same may subsequently be followed up by the concerned department. When the Chief Minister is on tour in various parts of the State, representations and applications are given to him by various people who meet him. In the routine course, the Chief Minister endorses the same with a noting "please put up" and forwards the same to the concerned department. Such notation merely means that the concerned department should process the applications and representations lawfully and in accordance with certain prescribed procedure. While making such notations on the representations/applications so received, the Chief Minister does not analyse each and every case since this is to be done at the level of the concerned department which then scrutinizes the same in accordance with law. In our view, the notation is not even treated as a determination of eligibility or the merit of the concerned application.

393 words

116 words

102 words

59 words

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