

SUPREME COURT OF INDIA

Shivamurthy Swami Inamdar Veerabhadrappa Veerappa

Vs.

Agadi Sanganna Andanappa Chanbasangouda Hanumanthagouda Patil

(J. C. Shah and K. S. Hegde JJ.)

11.02.1970

ORDER

The Text below is only a summarized version of the order pronounced

In this election petition election results were challenged and sought disqualification of candidate under Article 102(1) of Constitution of India and Sections 9 (a) of Representation of the People Act, 1951 on the ground of holding office of profit. The Apex Court held that before the Article 102(2) could be attracted, it must be established that he was holding an office under the Union or the State Government and that office was an office of profit and whether the disqualification relating to that office has been removed by any Parliamentary legislation. The respondents became ex-officio member of Koppal Taluk Development Board and the members of the District Development Council of Raichur by virtue of being elected as member of Legislative. And also allegation as to there was an existing contract between the respondent and government at the time of submission of nomination could not be accepted as there was no evidence as to that effect.