

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2451 OF 2015

Mehboob Nasir Pathan and another

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr. N.K. Choudhari advocate for the petitioners

Mr. S.S. Tope, GP for Respondents

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 3rd March, 2015.

PER COURT :-

1 The petitioners are objecting to the order passed by the Returning Officer refusing to accept their nomination papers, in view of the order passed on 18.2.2015.

2 The petitioners tendered their nomination papers on 16.2.2015 which were accepted by the Returning Officer and a notice as contemplated by Rule 24 informing them the date & time of the scrutiny was issued. Curiously enough the Returning Officer proceeded to reject the nomination papers on 18.2.2015 on the ground that the Nomination papers have not been presented either by the contesting candidate or their proposer and as such,

there is breach of Rule 21 of the Election Rules.

3 The action of the Returning Officer, prima facie appears to be not sustainable, since the nomination papers were initially accepted by the Returning Officer and notice as contemplated by Rule 24 was also issued. In such circumstances, it was not proper for the Returning Officer to return back to the stage of Rule 21 and refuse to accept the nomination papers. In normal circumstances, we would have permitted the petitioners to participate in the process of election. However, since the stage of scrutiny has passed and the final list of contesting candidates is to be published on 9.3.2015, at this late stage, we do not propose to cause interference in the matter. It would be open for the petitioners to avail of the remedies available in law, after completion of process of election.

4 With liberty, as aforesaid, writ petition stands disposed of.

(P.R. BORA, J)

(R.M.BORDE, J)