

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3200 OF 2015

Irshad Abdul Sattar Deshmukh

PETITIONER

VERSUS

Pakni Vividh Karyakari Seva Sahakari
Society Ltd., & others

RESPONDENTS

.....
Mr. A. A. Khande h/f Mr. G. V. Sukale, Advocate for the petitioner
Mrs. S. G. Chincholkar, AGP for respondent State
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 25th MARCH, 2015

ORDER :

1. Heard learned advocate for the petitioner and learned AGP for respondent No.2. Respondents No.1, 3 and 4 are not represented, although report shows that they are served.

2. Learned advocate for the petitioner vehemently contends that respondents No.3 and 4 are ineligible and disqualified from contesting respective seats / posts for which they have filed in their nominations for the election being held for Pakni Vividh Karyakari Seva Sahakari Society Ltd., Pakni, for, according to him, both the respondents have more than two children born after 7th September, 2001. Petitioner as such, objected to the

nominations being submitted by said two respondents on 9th March, 2015 i.e. on the day of scrutiny of nominations.

3. It is being submitted that though the objections refer to names of children, who are born after 7th September, 2001, particulars viz., names, ages, birth extract of the children born before the date were not given inadvertently and requisite documents could not be produced, for, those were not being supplied. Copies of documents have been subsequently acquired under the Right to Information Act, however, in the interregnum, the objection has been turned down. It is thus being requested that taking into account such a clear position, respondents No.3 and 4 should be deemed to be disqualified from contesting the elections.

4. Learned AGP, however, submits that election process is already on, the date of scrutiny is over and list of valid candidates has been published on 10th March, 2015, as per the schedule / election programme. It is further being submitted that the number of children on which count invalidation is sought, is a question of fact and the returning officer is not expected to go into that and he has rightly turned down the objections on the basis of record, as has been submitted by the

petitioner.

5. There is considerable force in the submission advanced on behalf of respondent No.2 by learned AGP. In view of aforesaid and as the stage of scrutiny of nomination papers is already over, I do not deem it appropriate to assess the factual position under writ petition. Under the circumstances, it would not be appropriate to interfere with the election process. Writ petition, as such, stands rejected. However, it would be open for the petitioner to raise these contentions before appropriate forum in appropriate proceedings.

[SUNIL P. DESHMUKH, J.]

drp/B14/wp3200-15