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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3509 OF 2015

Dr. Arun Govindrao Nirantar

PETITIONER

VERSUS

The State of Maharashtra & others

RESPONDENTS

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Mr.V.D.Hon, Sr.Advocate i/b Mr. D.J.Choudhary, Adv for petitioner

Mr. S. K. Tambe, AGP for respondent State

Mr. Abhijit Choudhary, Advocate for respondent No.3

Mr. S. S. Thombre, Advocate for respondent No.4

Mr. V. D. Salunke, Advocate for respondent No.5

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 7th APRIL, 2015

ORDER :

1. Heard learned advocates appearing for the parties.
2. The petitioner questions decision by the election returning officer dated 24th March, 2015, rejecting objection to nomination of respondent No.4 alleging that respondent No.4 is a defaulter of Ambajogai Peoples Co-operative Bank.
3. After hearing learned advocates for the parties, it transpires that no credible material had been placed before the returning officer in order to support the allegations. As a matter

of fact, it appears that the petitioner had addressed a communication to the Bank concerned, for requisite documents indicating that on 23rd March, 2015 respondent No.4 had been a defaulter. Whereas respondent No.4 had produced a certificate dated 24th March, 2015 indicating that on 24th March, 2015, he was not a defaulter.

4. In absence of any material to show that in fact on 23rd March, 2015, respondent No.4 was a defaulter, the fact finding inquiry at that stage, by the returning officer, was not expected. Nor even today, the petitioner is in a position to pinpoint the exact position as on 23rd March, 2015.

5. The situation emerges that the factual position is disputed. In such a case, the decision rendered by the returning officer dated 24th March, 2015 is hardly liable to be faulted with. In the circumstances, I am not inclined to interfere with the impugned decision taken by the returning officer. Writ petition, as such, stands rejected with no order as to costs.

[SUNIL P. DESHMUKH, J.]