

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 4187 OF 2015

Niteen s/o Kisanrao Gaikwad Petitioner
vs
The State of Maharashtra and ors. Respondents

Mr. Mrigesh D. Narwadkar, Advocate for petitioner
Mr. D.B. Bhange, Asstt. Government Pleader for respondent no.1
Mr. S.T. Shelke, Advocate for respondents no. 2 and 3

CORAM : SUNIL P. DESHMUKH, J.
DATE : 10TH APRIL, 2015

ORDER

1. Learned counsel for the petitioner contends that with the acquittal of the petitioner in criminal proceedings, disqualification incurred under order dated 8-5-2012 should have automatically abated.

2. Mr. Shelke appearing for respondents no. 2 and 3, however, contends otherwise submitting that applicant is not entitled to automatic abatement of the disqualification under order dated 8-5-2012 unless the name of the petitioner is removed by an order of competent authority from the list of disqualified persons and submits that it is beyond the powers of the election officer to place an interpretation on the events as have been submitted by learned counsel for the petitioner.

3. It is not disputed that petitioner's name continues in the list of disqualified persons. It also transpires that the petitioner had not taken any steps with regard to deletion of his name from the list of disqualified persons hitherto pursuant to his acquittal in the criminal proceedings.

4. In view of aforesaid, no fault can be found with the rejection recorded by the returning officer.

5. Writ petition, as such, is rejected. However, it is open for the petitioner to take recourse to such remedy as may be available in law.

SUNIL P. DESHMUKH, J.

pnd