IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4459 OF 2015

Nagnath Basanna Patil ... Petitioner

versus

The State Co-operative Election
Corporation, State Maharashtra
Pune and ors. ... Respondents

.....

Mr. S.G. Rudrawar, Advocate for Petitioner
Mrs.S.G. Chincholkar, A.G.P. for respondents No. 1 to 3
Mr. D.J. Chaudhary, Advocate for respondent No. 4.

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 24th APRIL, 2015

ORDER :-

1. After hearing learned counsel for appearing parties, it appears that there is dispute about facts. Learned counsel for petitioner submits that along with nomination paper petitioner had filed requisite documents i.e. the certificates showing the experience annexed to the writ petition (pages no. 34 and 35), whereas affidavit on behalf of learned Assistant Government Pleader representing election officer denies all said averments stating that along with nomination paper requisite documents i.e. experience certificates as annexed at pages no. 34 and 35 to the writ petition had not been filed.

2. In view of disputed position, it cannot be said that election officer committed any error nor writ petition can be entertained on such disputed facts. Further, there is an alternate remedy available to the petitioner in the shape of appeal against rejection of nomination, such remedy of appeal has not been availed by the petitioner. On these grounds, I am not inclined to entertain the writ petition.

3. Writ petition, as such, stands dismissed. However, it would be open for the petitioner to take up appropriate proceedings against rejection of nomination at proper stage including an election petition.

(SUNIL P. DESHMUKH, J.)

MTK