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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5840 OF 2015

Balaji Narayan Jadhav

PETITIONER

VERSUS

The State of Maharashtra & others

RESPONDENTS

.....

Mr. Vikram S. Undre, Advocate for the petitioner

Mr. V. G. Shelke, AGP for respondent State

Mr. S. K. Kadam, Advocate for respondent No.2

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 11th JUNE, 2015

ORDER :

1. This petition has been moved purportedly aggrieved by acceptance of nomination of respondent No.5, who claims to be a candidate belonging to Nomadic Tribe (NT) category. According to the petitioner, the certificate, which had been filed along with nomination papers by respondent No.5, was a forged one. In fact surname of respondent No.5 is "Thavare". Caste certificate of respondent No.5 clearly shows that the same is in respect of one "Dhavare" and as such, the certificate appended to the nomination form by respondent No.5 was a forged one and the request of the petitioner to direct respondent No.5 to produce

original caste certificate ought to have been considered.

2. While this writ petition is being considered, it ought to be taken into account that the petitioner purports to raise a question of fact, and further that the voting is scheduled today and from the category of Nomadic Tribe, there is no other contesting candidate save and except respondent No.5.

3. In such a scenario and having regard to the stage to which the election has reached, I do not deem it appropriate to entertain the request under the writ petition. As such, the petition stands rejected. However, it would be open for the petitioner to take up appropriate proceedings including an election petition, if the petitioner purports to be aggrieved by acceptance of nomination and / or election of respondent No.5.

4. Needless to refer to that the observations herein above shall not influence outcome in any proceeding taken up by the petitioner against respondent No.5 in respect of the election.

[SUNIL P. DESHMUKH, J.]