

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7204 OF 2015

Najukabai @ Nagubai W/o Sakharam Jadhav ...PETITIONER

versus

The State of Maharashtra and others ...RESPONDENTS

.....

Mr. S.S. Gangakhedkar, Advocate for Petitioner
Mr. S.K. Tambe, A.G.P. for respondents No. 1 and 2.
Mr. S.T. Shelke, Advocate for respondent No. 4
Mr. A.I. Deshmukh, Advocate for respondent No. 5.

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 16th JULY, 2015

Order :-

1. This petition has been moved by the petitioner, who is a candidate contesting election to Gram Panchayat Shewadi (Bazar) Taluka Loha, District Nanded. Election programme annexed to the writ petition shows that all stages, save polling/voting, are over. Polling is to take place on 25th July, 2015.

2. Learned counsel for the petitioner purports to contend that nomination of respondent No. 5 has been erroneously and illegally validated though respondent No. 5 does not qualify to contest the election, for, she has three children one of them having born after cut off date i.e. 13-09-2001.

3. After hearing learned counsel for the petitioner and respondents, it appears that it is the contention of the learned counsel for the petitioner that certificate annexed at page No. 47 issued by *Gramsevak* is false, basing his claim for said purpose on extract of admission register of school

annexed at page No. 58 depicting date of birth of third child Rohidas Kisan Rathod as 11-06-2002. He further submits that though such objection was taken before the returning officer, however, the returning officer has erroneously overruled the same and there is also an error in acceptance of nomination as interim one which is unknown to field of election.

4. Learned counsel for respondents point out various documents annexed to the petition, which petitioner has fairly annexed to the petition, particularly, one document appearing at page No. 64, which has been issued pursuant to the Registration of Births and Deaths Act, 1969 depicting date of birth of third child as 11-06-2001. They further refer to documents viz; at page No. 63, one certificate issued by *Anganwadi Seveka* at page No. 60 depicting dates of birth of third child of respondent No. 5 to be 11-06-2001 and 18-7-1999 respectively.

5. Looking at aforesaid, it is apparent that petition raises disputed questions about fact of date of birth of third child of respondent No. 5. In view of the same, as well as looking at the advanced stages in election programme, I am not inclined to interfere with the elections. Writ petition, as such, stands rejected.

6. Needless to refer to that rejection of writ petition would not be an impediment for the petitioner to institute appropriate proceedings at appropriate stage before proper forum, as may be permissible under law, including an election petition.

Sd/-

(SUNIL P. DESHMUKH, J.)