

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

WRIT PETITION NO. 7252 OF 2015

Ayub s/o Ismail Machkuri Petitioner
VS
The State Election Commission
and others Respondents

WITH
WRIT PETITION NO. 7253 OF 2015

Banu Ayub Machkuri Petitioner
VS
The State Election Commission
and others Respondents

Mr. Shrikant T. Veer, Advocate for petitioners
Mr. S. T. Shelke, Advocate for respondents no.1 and 3
Mr. V. G. Shelke, Asstt.Govt.Pleader for respondent no. 2
Mr. Estling S. Murge, Advocate for respondent no. 5

CORAM : SUNIL P. DESHMUKH, J.
22ND JULY, 2015

ORDER:

1. Petitions have been moved against rejection of nominations of the petitioners on the allegations of having last child after the cut off date which is stated to be 13-09-2001.
2. Learned counsel for the petitioners has vehemently submitted that the material produced before the election officer for rejection of their nominations is apparently forged one.

Petitioners as well had submitted the birth certificates from the concerned office depicting that birth of last child, in fact, had taken place before cut off date, however, the same has not been relied on by returning officer. Additionally, in respect of writ petition no. 7253 of 2015, learned counsel points out that, in fact, the nomination had been validated by the returning officer, however, subsequently the order has undergone a change which according to him is apparent.

3. Learned counsel for State Election Commission submits that the certificate from the petitioners had been produced after the scrutiny was over. He submits, there are lot of disputed questions involved in the matter and as such writ petitions may not be entertained.

4. Having regard to aforesaid submissions and particularly the submissions on facts being advanced by respective parties, it appears that, *prima facie*, writ petition involve disputed questions of facts and further looking at the stage at which election programme has reached, I do not deem it appropriate to cause interlude at this stage in the progress of election, by interfering with the impugned order.

5. Writ petitions as such are not being entertained on aforesaid considerations. It would, however, be open for petitioners to take up appropriate proceedings against rejection

of their nominations, including grievance about fake birth certificates. It would also be open for petitioners to take up the matter in election petitions.

6. Writ petitions stand disposed of.

SUNIL P. DESHMUKH, J.

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