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

**WRIT PETITION NO.7495 OF 2015**

Rasool Juma Kakar  
Age - 65 years, Occ - Agriculture  
R/o Bhokari, Taluka - Pachora,  
District - Jalgaon

PETITIONER

VERSUS

1. The State of Maharashtra  
Through Principal Secretary,  
Rural Development Department,  
Mantralaya, Mumbai
2. The State Election Commission,  
New Administrative Building,  
Opposite Mantralaya, Mumbai
3. The Election Officer / Returning Officer,  
Grampanchayat Bhokari,  
Taluka - Pachora, District - Jalgaon
4. Shafi Mohammad Kakar,  
Age - 40 years, Occ - Agriculture  
R/o Nurani Masjid, Bhokari,  
Taluka - Pachora, District - Jalgaon

RESPONDENTS

.....  
Mr. Girish V. Wani, Advocate for the petitioner  
Mr. S. K. Tambe, AGP for respondent State  
Mr. S. T. Shelke, Advocate for respondents No.2 and 3  
Mr. B. S. Deshmukh, Advocate for respondent No.4  
.....

**[CORAM : SUNIL P. DESHMUKH, J.]**

**DATE : 28<sup>th</sup> JULY, 2015**

**ORAL JUDGMENT**

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.

2. The petition had been moved by showing that there is extreme urgency and as such, the matter was presented and heard on the same day i.e. 23<sup>rd</sup> July, 2015. While the order was being passed, it had been contended by the petitioner that as a matter of fact he intended to file nomination from ward No.3, but by mistake, while he filled up form on line, reference had been made to ward No.5-B. He also submitted a manual form on 17<sup>th</sup> July, 2015. On the day of scrutiny i.e. 21<sup>st</sup> July, 2015, an application came to be moved that he intended to file nomination from ward No.3 and not from ward No.5-B, however by mistake on line application refers to ward No.5-B, whereas the manual form does not give any indication about ward number.

3. On appearance, learned advocates for the respondents, particularly, respondent No.4 objected to the claims being made as above. He submits that there is no indication whatsoever anywhere either in the on line form or in the manual form submitted by the petitioner about his intention to contest elections from ward No.3. Learned advocate for respondent No.4

further goes on to contend that it is only on 21<sup>st</sup> July, 2015, it occurred to petitioner that respondent No.4 is the only candidate in the fray, who is contesting from ward No.3, and he thought that he should contest from ward No.3 as there is little chance from ward No.5, since ward No.5 contains as many as seven contestants. He, submits that therefore, petitioner fallaciously, claimed that his intention was to file nomination from ward No.3. For said purpose, learned advocates for the respondents and the State Election Commission refer to the nomination form manually filled in by the petitioner. Learned advocate for respondent No.4 particularly emphasizes clauses under form No.A, annexed to the petition at pages No.25 and 26, which refer to the name of Gram Panchayat as well as ward number. Same is the case while the same is affirmed by the petitioner, which refers name of Gram Panchayat as well as name of candidate and the ward number giving clear indication that the candidate intended to contest election from ward No.5.

4. Although learned advocate for the petitioner contends that these clauses may have reference to ward number in voters' list, there is no material produced to substantiate said contentions.

5. It appears that the manual form substantially makes

reference to ward No.5, as such there is no warrant to continue the earlier order dated 23<sup>rd</sup> July, 2015. Under the circumstances, earlier order dated 23<sup>rd</sup> July, 2015 stands recalled and the writ petition stands dismissed. Rule stands discharged.

sd/-  
**[SUNIL P. DESHMUKH, J.]**

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