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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7510 OF 2015

Balasaheb Jagannath Pawar & Others

PETITIONERS

VERSUS

The State of Maharashtra & others

RESPONDENTS

.....

Mr. M. A. Thorbole, Advocate for the petitioners

Mr. S. P. Daund, AGP for respondent State

Mr. S. T. Shelke, Advocate for respondents No.2 and 3

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 23rd JULY, 2015

ORDER :

1. The petitioners are before this court aggrieved by rejection of their nominations for want of signatures on requisite certificates to be filed along with nomination forms.

2. Learned advocate for the petitioners submits that the defect is of technical nature and it could have been cured, however, the petitioners were not afforded any opportunity.

3. Mr. Shelke, learned advocate appearing for the State Election Commission points out a decision of the Supreme Court, reported in *AIR 2014 SC 344 "Resurgence India V. Election Commission of*

India and Another" and states that this is a lacuna, which the Supreme Court refers to as rendering application as nugatory under clauses (iii) of paragraph No.27 of said judgment, which read thus -

“(iii) Filing of affidavit with blank particulars will render the affidavit nugatory.

4. Learned advocates for the respondents, therefore, submit that there is no substance in the writ petition and the same is liable to be rejected.

5. Having regard to observations of the Supreme Court, particularly, the ones pointed out by learned advocate for the State Election Commission, referred to above, save and except the contention that the petitioners did not get opportunity, there is no effort on the parts of the petitioners to remove the defect either before or at the time of scrutiny.

6. In view of aforesaid, I deem it appropriate not to meddle with the order passed by the returning officer, particularly having regard to the spirit underlying the decision of the Supreme Court order. Writ petition, as such stands rejected.

[SUNIL P. DESHMUKH, J.]