

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

WRIT PETITION NO. 7501 OF 2015

Ratnakar s/o Namdeo Sudhakar
Age 31 years, occup. Agril., & Labourer,
R/o Panvadod, Taluka Sillod,
District Aurangabad Petitioner

versus

1. The State of Maharashtra
2. The Returning Officer,
Tahsil Officer, Sillod,
District Aurangabad
3. The State Election Commission,
Mantralaya, Mumbai Respondents

Mr. D. D. Chaudhari, Advocate for petitioner
Mr. S. K. Tambe, Asstt. Govt. Pleader for respondent no. 1
Mr. S. T. Shelke, Advocate for respondent no. 2 and 3

CORAM : SUNIL P. DESHMUKH, J.
30TH JULY, 2015

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for parties finally, by consent.
2. After hearing learned counsel for petitioner and learned counsel for State Election Commission and learned Assistant Government Pleader, indisputable factual position appears to be that the petitioner has failed to comply with requirements under section 10-1A of the Maharashtra Village Panchayats Act, 1959 about submission of the claim for scrutiny to the concerned tribe scrutiny committee. Learned counsel for the petitioner contends that this is a bonafide mistake.

3. Learned counsel for the petitioner further submits that other requirements pursuant to the provisions have been complied with. He therefore prays that the matter may be viewed leniently and urges that the petition be favourably considered, by allowing petitioner to contest the election.

4. Learned counsel for respondent-State Election Commission and learned Assistant Government Pleader contend that all the stages in the election are over except polling and declaration of result. It is further being submitted that, it would not be possible to carry any alternation at this juncture. It is further being contended that, it cannot be said that the nomination filed by the petitioner complies with statutory requirements.

5. Looking at that nomination is deficient in respect of compliances required and that almost all the stages in the elections are over and the date of the order and intervening period, I am disinclined to grant any indulgence to petitioner.

6. Writ petition as such stands dismissed. Rule stands discharged.

SUNIL P. DESHMUKH, J.

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