

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.7725/2015

918 WRIT PETITION NO. 7725 OF 2015

Gunabai w/o Prabhu Pethe,
Age 58 years, Occu. Agri.,
r/o. Gavsud, Tq. Osmanabad,
Dist. Osmanabad.

...PETITIONER

VERSUS

1. The commissioner,
State Election Commission of
Maharashtra, Hutatma Rajguru Chowk,
Madam Cama Road, Mumbai 32

AND TWO OTHERS.

...RESPONDENTS

...
Advocate for Petitioner : Mr.More Abhijit S.
AGP for Respondent State: Mr.N.B.Patil.
Mr.Shelke Shivaji T., Adv., for R/1

...
CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 29, 2015

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PER COURT :-

1. The grievance raised by the petitioner in the instant petition is that although the petitioner has tendered an application with a view to contest the election to the post of Member of Village Panchayat from amongst the category of Scheduled Caste candidate from women category, her name has been included in the final list of candidates as a candidate belonging to Scheduled Caste category only, and not as a candidate belonging to Scheduled Caste women category.

agp/-

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(2)

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2. We called upon respondents to produce before us the original record of nomination paper presented by the petitioner. It is observed that the petitioner has tendered the nomination paper for a seat categorized as 1A, and has mentioned classification as Scheduled Caste. Although in the box, under heading of 'Classification of Reserved category', the petitioner has marked against 'Scheduled Caste Women category', there is a mistake in mentioning the classification of the seat as 1A. The category 1A is prescribed for Scheduled Caste, and not Scheduled Caste Women, which has been categorized as 1B. The petitioner also does not appear to have taken any objection at the stage of scrutiny of nomination papers in respect of categorization of her candidature as a candidate belonging to Scheduled Caste.

It has been further pointed out that two nomination papers were received from amongst Scheduled Caste Women category and, on the date of withdrawal, since one candidate withdrew her candidature, only one candidate remained in the field and she was, therefore, declared to have been elected unopposed.

3. In this view of the matter, the grievance raised by the petitioner in the instant writ petition does not deserve consideration in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. The petition stands rejected.

(P.R. BORA, J.)

(R. M. BORDE, J.)

agp/-