

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

WRIT PETITION NO. 7688 OF 2015

Chhaya Madhukar Deore,  
Age 37 years, occup. Agriculturist,  
R/o Mhasadi Pra. Ner, Taluka Sakri,  
District Dhule ..... Petitioner

versus

1. The State of Maharashtra,  
through the Secretary,  
Rural Development Department,  
Mantralaya, Mumbai.
2. The Tahsildar, Sakri, @ Authorised  
Officer, Grampanchayat Election-2015,  
Taluka Sakri, District Dhule.
3. The Returning Officer,  
Grampanchayat Election,  
Mhasadi Pr. Ner, Tq. Sakri,  
District Dhule ..... Respondents

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Mr. Amol S. Sawant, Advocate for petitioner  
Mr. S.P. Daund, Asstt. Govt. Pleader for respondent no. 1  
Mr. S. T. Shelke, Advocate for respondents no. 2 and 3

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

ORDER:

1. Rule. Rule made returnable forthwith and heard the  
learned counsel for the parties finally, by consent.

2. Petitioner is before this court aggrieved by rejection of her nomination by returning officer under order dated 23-07-2015 on the ground that the requisite deposit had not been made.

3. Mr. Sawant, learned counsel appearing for petitioner submits that in spite of voluminous record indicating that petitioner had filed nomination from Backward Class of Citizens (Women) category, the same has not been considered by returning officer. He, for said purpose, refers to document at page 14 indicating that the petitioner had ticked proper box meant for Backward Class of Citizens (Women) category candidature. He further relies on page 18 to show that she had made deposit of Rs.100/- meant for said category and further elementary inspection of the nomination form submitted by petitioner a copy of which is at page 19 indicates that it had been accepted for Backward Class of Citizens (Women) category. He goes on to contend that in all other columns of nomination form the petitioner has referred to that she is contesting from said category. He further submits that the returning officer has been in a grave error in passing order on 23-07-2015 upon an enquiry, when scrutiny had, in fact, over on 21-07-2015. He, therefore, submits that the order impugned has been passed by the returning officer cursorily in order to cover up lapses.

5. Learned counsel for respondent State Election Commission and learned Assistant Government Pleader for State submit that the petitioner was not expected to manually

fill up anything in the on-line form. Only print out of the nomination form duly filled in was to be taken out, signed and filed. However, the petitioner has tick marked the relevant columns in the nomination form. As far as rest of the record is concerned, the respondents are not in a position to dispute the same. They have not been able to point out as to why the order was passed on 23-07-2015 when scrutiny was already over on 21-07-2015.

6. Looking at aforesaid and factual position it is indisputable that the petitioner's application for nomination sufficiently gives indication that all along it had been her intention to contest for election from Backward Class of Citizens (Women) category.

7. Further, had it really been a case that application was found to be deficient for want of payment of requisite deposit, the returning officer could have, pursuant to instructions issued by the State Election Commission referred to and relied on by learned counsel for the petitioner at page 46 of petition, asked for corrective action by the petitioner. The amount deposited appears to be sufficient for the category of the petitioner.

8. Having regard to aforesaid factual scenario, I deem it appropriate that this is a case wherein nomination of the petitioner is required to be accepted for the category she has applied for, namely, Backward Class of Citizens (Women) category.

9. Writ petition as such is allowed in terms of prayer clauses (A) and (B) and disposed of. Rule made absolute accordingly.

10. Learned counsel for the State Election Commission and learned Assistant Government Pleader to communicate this order to the authorities concerned.

SUNIL P. DESHMUKH, J.

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