

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.7795/2015

908 WRIT PETITION NO. 7795 OF 2015

DHYANDEV PIRAJI KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Jain Vishwajit R (kamboj)
AGP for Respondent State: Mrs. A.V.Gondhalekar
Advocate for Respondent no.2 : Mr. S.T.Shelke

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

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PER COURT :-

1. The petitioner is seeking directions to respondent no.3 to allow him to contest election as a candidate belonging to reserved category for the post of Member of Village Panchayat.

2. The petitioner contends that he has tendered two nomination papers, separately, however, on the date prescribed for withdrawal of nomination paper, he has tendered an application seeking withdrawal of one of the nomination papers. The application seeking withdrawal is under Rule 13 of the Maharashtra Village Panchayats Election Rules, 1959, which prescribes withdrawal of candidature, and a notice is required to be given either by the candidate in person or by a person authorized by him in that behalf to the Returning Officer. In the instant matter, the notice of withdrawal is given under Rule 13 of the Rules of 1959 by the candidate at the election, and on

agp/-

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consideration of the application, the Returning Officer has permitted withdrawal of the candidature of the petitioner.

3. The contention of the petitioner that he has withdrawn one of the nomination papers is not acceptable for the reason that the Rules do not contemplate withdrawal of nomination but a notice under Rule 13 contemplates withdrawal of the candidature.

We do not find any merit in the writ petition and the writ petition stands rejected.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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