

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7733 OF 2015

Chandrakalabai Ananda Jadhav

PETITIONER

VERSUS

State Election Commission & others

RESPONDENTS

WITH
WRIT PETITION NO.7737 OF 2015

Manisha Dyaneshwar Waragane

PETITIONER

VERSUS

State Election Commission & others

RESPONDENTS

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Mr. A. A. Pimpalwadkar, Advocate for the petitioner

Mr. V. G. Shelke, AGP for respondent State

Mr. S. T. Shelke, Advocate for respondent No.1

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 31st JULY, 2015

ORDER :

1. The petitioners are before this Court taking exception to rejection of their nominations on account of absence of acknowledgement receipts regarding pendency of proposals in respect of validity of their caste claims.

2. Learned advocate for the petitioners contends that as a matter of fact, the petitioners could not procure the acknowledgment receipts, as office of the scrutiny committee had refused to accept proposals for validity of their caste claims. He further submits that there is sufficient evidence available about these incidents, however, the returning officer has not given any credence to the same and went on to reject the nominations.

3. Learned AGP points out communication dated 30th July, 2015 from Divisional Caste Scrutiny Committee disputing claims made by the petitioners.

4. In view of such disputed claims about facts in respect of submission of proposals for validation of caste claims, the orders passed by the returning officer are seldom liable to be faulted with. The petitions involve disputed questions, which would require fact finding inquiry. In such a case, writ petitions would not be a proper avenue for the petitioners. Writ petitions, thus, are not being entertained and are dismissed in limine.

5. Observations made hereinbefore are only for the purpose of dismissal of the writ petitions and would not have efficacy any further. Authorities before which proceedings would be taken up

shall decide the proceedings on their own merits, without being influenced by the observations made hereinabove. It would be open for the petitioners to take up appropriate proceedings before proper forum, including election petitions.

[SUNIL P. DESHMUKH, J.]

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