

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7779 OF 2015

Haridas s/o Bajirao Phapale
Age - 34 years, Occ - Agriculture
R/o Gargundi, Taluka - Parner,
District - Ahmednagar

PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary,
Rural Development Department,
Mantralaya, Mumbai - 32
2. The Divisional Commissioner,
Nashik Division, Nashik
3. The District Collector,
Ahmednagar at Ahmednagar
4. The Sub Divisional Officer,
Parner Sub Division, Parner
District - Ahmednagar
5. The Tehasildar, Parner
At Parner, District- Ahmednagar
6. The Returning Officer for the
election of village Gargundi,
Taluka - Parner, District - Ahmednagar
7. Smt. Pramila w/o Babaji Phapale
Age - 41 years, Occ - Household
R/o Gargundi, Taluka - Parner
District - Ahmednagar

RESPONDENTS

Mr. A. A. Khande h/f Mr. A. M. Gholap, Advocate for petitioner
Mr. V. G. Shelke, AGP for respondent State
Mr. S. T. Shelke, Advocate for respondent No.6.

Mr. R. R. Karpe, Advocate for respondent No.7

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 31st JULY, 2015

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.

2. Basic objections to nomination of respondent No.7 are that she had skipped to give particulars of crimes registered against her, she has not given valuation of the properties nor the details about her educational qualifications are furnished. As such, the petitioner contends that acceptance of nomination of respondent No.7 is erroneous, since it has been specifically objected to on these counts.

3. Learned advocates for the respondents submit that as on the date, cognizance of said crimes has not been taken, as such, no error has been committed by respondent No.7 while filling up nomination form. It is submitted that valuation has been given and requisite details about educational qualifications have also been furnished, however, some particulars could not be given as those were not readily available and could not be specifically

stated and it is not an intentional omission. In any case, according to them these are venial omissions which would not lead to invalidation of nomination.

4. Learned advocate for the petitioner submits that as a matter of fact, there is no application of mind to the objections taken and nomination of respondent No.7 has been straight away accepted. On the other hand, learned advocate for the State Election Commission states that a reasoned order has been passed and purports to rely on the same.

5. Having regard to aforesaid, it appears that the discrepancies as have been referred to have been considered by the returning officer and appear to have been decided. As far as order and its copy is concerned, the position emerges that it is not a case that there is no order. In such a case, when order has been passed it cannot be said that there is no order and straight away validation has been considered.

6. In view of aforesaid, I am disinclined to entertain the writ petition. Writ petition, as such stands dismissed. Rule stands discharged.

7. It is open for the petitioner to take up such proceedings as

are advised, including an election petition. Aforesaid observations are confined to dismissal of writ petition and shall not influence in any other proceedings and shall be decided on their own merits.

[SUNIL P. DESHMUKH, J.]

drp/wp7779-15