

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.7937/2015

12 WRIT PETITION NO. 7937 of 2015

SHUBHANGI SUDHIR NALGE AND OTHERS
VERSUS
THE STATE ELECTION COMMISSION THROUGH ITS
COMMISSIONER AND OTHERS

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Advocate for Petitioner : Mr.Karpe Rahul R.
Mr. V.S.Bedre, Adv., for respondent no.5.
Mr. S T Shelke, Advocate, for respondent no.1.
Mrs. M.A.Deshpande, AGP for respondent State.

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: August 03, 2015

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PER COURT :-

1. The petitioner contends that respondent nos. 4 and 5 tendered multiple nomination papers and on the date prescribed for withdrawal of nomination, tendered an application under Rule 13 of the Election Rules seeking withdrawal of the candidature. The Returning Officer, however, permitted the concerned respondents to withdraw one of the nomination papers amongst the several papers presented by them.

2. The petitioner contends that Rule 13 contemplates withdrawal of candidature, and not withdrawal of nomination. It shall have to be construed that respondent nos. 4 and 5 have withdrawn their candidature, and not one of the nomination paper, amongst multiple nomination papers.

agp/-

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(2)

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3. It is informed by the learned Counsel appearing for the State Election Commission that the process of election has reached advanced stage and tomorrow is the date prescribed for recording of votes. It is further informed that electronic voting machines have also been furnished for recording of votes and, as such, at this late stage of process of election, interference is not warranted.

4. In view of the advanced stage of process of election, we refrain from interfering in the matter, and keeping open the option of the petitioner to avail of the remedies as are available in law, at appropriate stage, the writ petition stands rejected.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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