

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 10398 OF 2015**

Sayyad Jafargani Chand Pasha ...PETITIONER

versus

The State of Maharashtra and others ...RESPONDENTS

.....  
Mr. Shaikh Shermahmed K. Advocate for Petitioner  
Mr. S.N. Kendre, A.G.P. for respondent No. 1  
Mr. S.T. Shelke, Advocate for respondents No. 2 and 3.  
.....

**CORAM : SUNIL P. DESHMUKH, J.**

**DATED : 20<sup>th</sup> OCTOBER, 2015**

**Order :-**

1. Petitioner purports to impugn order dated 09-10-2015 passed by the Election Officer, under which his nomination has been rejected on the ground that AIMIM on whose ticket he has filed nomination, is not a recognized party. Various contentions have also been advanced by the learned counsel including maintainability of writ petition. Learned counsel for the petitioner submits that the order impugned in this petition is discriminatory because the same election officer has accepted nomination form of a candidate of RSP party, which is also not a recognized party. He further urges for indulgence and submits that writ petition be considered and allowed.

2. Mr. Shelke, learned counsel appearing for respondents - State Election Commission, however, contends that the order of rejection of nomination is appealable order. He refers to election programme, which

spells out, availability of alternate remedy. He further states that several other candidates have prosecuted the alternate remedy pursuant to the election programme. Other several questions including factual ones are likely to crop up in the matter. Under the circumstances, it is urged that no indulgence be shown to the petition, particularly, in the face of alternate remedy available.

3. Having regard to aforesaid submissions, I deem it appropriate that since alternate remedy has been provided, petitioner may avail of said remedy. Time consumed during pendency of this writ petition would be appropriately considered while dealing with condonation of delay.

4. Writ Petition, as such, stands disposed of.

Sd/-

**( SUNIL P. DESHMUKH, J. )**

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