

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.10306 OF 2015

Kiran Vithal Chandre and ors. : Petitioners.

Versus

**The Election Officer for Grampanchayat
Kolgaon Mal, Taluka Sinnar, Dist.Nashik
and ors.**

: Respondents.

Mr. Sanjay P Shinde for the Petitioner.

Mr. S D Rayrikar, AGP, for the Respondent Nos.2, 4 and 5

CORAM : R. M. SAVANT, J.

DATE : 10th April 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the rejection of the nomination forms filed by the Petitioners for contesting the elections to the Grampanchayatm Kolgaon Mal, Taluka Sinnar, Dist. Nashik. The rejection is on the ground that the Petitioners have not submitted the receipts of they having submitted the applications for the caste validity certificate. The Petitioners rely upon the receipts produced by them which are dated 7/4/2015 that is the date prior to the date of scrutiny which is 8/4/2015. On the receipts it has been endorsed that the same have been issued after 17.30 hours i.e. after 5.30 pm. on 7/4/2015 It is the case of the learned counsel for the Petitioners that the said receipts were in fact produced before the Returning Officer at the time of scrutiny but the same have not been taken into consideration.

2 As indicated above the Returning Officer has made an endorsement that the said receipts have not been produced by the Petitioners on Part-4 of the nomination forms. Why the Returning Officer should make such an endorsement therefore begs an answer. Obviously the Petitioners might have not produced the receipts before him at the time of scrutiny. If the Petitioners had submitted their applications for caste validity certificate prior to 7/4/2015, which was the date on which the receipts were issued, obviously they should have received the same on an anterior date. It seems that the receipts have been obtained with a view to file nominations for the ensuing elections to the Grampanchayat. There are therefore disputed questions of fact which arise in the claim made by the Petitioners.

3 The reliance placed by the learned counsel for the Petitioners on the judgment of the Division Bench of this Court in the case of Anant Janardan Patil v/s. State of Maharashtra reported in 2002(2) Mh. L. J. 238 is misplaced as the factual position with which the Division Bench was concerned was different than the factual position in the instant case as in the instant case the receipts of the applications for the caste validity certificate being submitted were required to be produced in terms of the directions issued by the State Election Commission, such was not the case before the Division Bench in the aforesaid case. . Hence no case for interference in the writ

jurisdiction is made out. The above Writ Petition is accordingly dismissed. However, it would be open for the Petitioners to adopt appropriate proceedings after the elections are over if the occasion so arises.

[R.M.SAVANT, J]