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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4117 OF 2015

Mr. Vijaykumar Kashinath Shinde	..Petitioner
Vs.	
The State of Maharashtra & Ors.	..Respondents.

**WITH
WRIT PETITION NO.4047 OF 2015**

Dattatraya Vithalrao Kanherkar	..Petitioner
Vs.	
Returning Officer & Ors.	..Respondents.

Ms. Rekha Musale i/b Mr.Nitin L. Rajguru for Petitioner in WP 4117/2015.
Mr. Tushar Sonawane, for Petitioner in WP 4047/2015.
Mr. S.S. Bhise, AGP for Respondent No.1 in WP.4047/2015 and for
Respondent No.2 in WP 4117/2015.
Mr. Vivek Salunkhe i/b P.H. Gaikwad for Respondent No.1 in WP
4117/2015 and for Respondent No.4 in WP 4007/2015

**CORAM: B.R. GAVAI &
A.S. GADKARI, JJ.**

DATE : 22nd April 2015.

P.C.:

1 The Petitioners have approached this Court praying for direction to Returning Officer to permit their nomination forms to be withdrawn.

2 In Writ Petition No.4117 of 2015, it is stated that since on the date of withdrawal of nomination form, the Petitioner was hospitalised and therefore he could not go within prescribed time for withdrawal of his nomination. Insofar as the Writ Petition No.4047 of 2015 is concerned, it is contended by the Petitioner that though he had gone to withdraw his nomination, he reached little late after prescribed time i.e. after 3 p.m.

3 When the election programme specifically fixes particular date and time for withdrawal of nomination, it is the duty of the candidate to withdraw the nomination prior to date and time so fixed.

4 In that view of the matter, writ as sought for cannot be granted. Both the Writ Petitions are dismissed.

(A.S. GADKARI, J.)

(B.R. GAVAI, J.)