

to the petition at page-18. Petitioner also annexed documents in support of his case (from pages 19 to 51 of the petition). During the scrutiny the Returning Officer upheld the objection and rejected the nomination.

2. Learned Counsel for the petitioner submits that impugned order is unreasoned one. It lacks application of mind. The certificates signed by the respondent cannot be relied upon. The petitioner would lose his vital statutory right to contest the election.

3. Learned Counsel Shetye appearing for Election Commission submits that Election programme has advanced further. According to programme today is the date of withdrawal of nomination. On the basis of available material the Returning Officer had passed order, according to learned Counsel Shri Shetye.

4. Prima-facie we find that the question as to whether third child was born after the cut off date requires necessary enquiry, which at times difficult to do at the time of scrutiny of nomination paper. In view of the provisions of Section 14 (j-1) of the Bombay Village Panchayat Act such objections are raised before the Returning Officer and they are called upon to decide the same. In the proceedings of Writ Petition No. 10553/2015, we had taken note of such identical objections raised. A copy of the order passed in the said petition is annexed to the petition at page-55. In the light of the view expressed by this Court earlier State Government and State Election Commission would certainly look into the matter. We have noticed that certificates in favour and against the petitioner shown to have been signed by Village Development

Officer/Gram Sevak.

5. In view of the facts that election programme has already commenced and the elections are underway, we are not inclined to interfere under extraordinary writ jurisdiction of this Court.

6. The petitioner is at liberty to resort to alternate statutory remedy as permissible in law after the election results are declared.

7. We direct the Collector, Nashik district to enquire into the matter. In case the concerned officers on election duty are found to have committed malpractices then they be dealt with strictly, departmentally. The Collector shall submit report to the State Election Commissioner within three months from the date of receipt of this order.

8. Registry is directed to forward copy of this order to respondents 1 and 2 and the Collector, Nashik.

9. With aforesaid observations and directions, Writ Petition is disposed of.

(S.B. SHUKRE, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)