

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2342 of 2015

(Smt. Jyoti Jaydeo Usendi v. The State Election Commission, Maharashtra
State, Mumbai, and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri R.M. Pande, Advocate for Petitioner.
Shri A.D. Sonak, AGP for Respondents.

Coram : R.K. Deshpande, J.

Dated : 24th April, 2015

On 22-4-2015, this Court had passed an order as under :

“ *The petitioner claims to have submitted three nomination forms for three different wards in Prabhad-3 of Gram Panchayat Dudhmala. She has submitted nomination paper for the seat reserved for Scheduled Tribe (Woman) category, General (Woman) category and Scheduled Tribe category. The acknowledgment dated 18.04.2015 shows that she has withdrawn her candidature for the post reserved for Scheduled Tribe category and there is nothing on record to show that she has withdrawn her candidature for all the posts for which she had submitted the nomination forms. The list of persons who have withdrawn their candidature on 18.04.2015 shows that petitioner has withdrawn the nomination from all the wards. Prima facie withdrawal of candidature for the post reserved for Scheduled Tribe category would not amount of withdrawal of candidature for remaining two categories for which the*

nomination form is filled in.

In view of this, issue notices for final disposal of the matter, to the respondents, returnable on 24.04.2015.

Shri M.M. Ekre, the learned AGP, waives service of notices for the respondent Nos.2 and 3.

Notice to respondent No.1 is dispensed with for the time being.

The respondents are directed to produce withdrawal of candidature by the petitioner for the post reserved for Scheduled Tribe (Woman) category and General (Woman) category and also the application for withdrawal of candidature for the post reserved for Scheduled Tribe category.

Steno copy of this order be supplied to the learned AGP to act upon.”

In para 7 on internal page 5 of the affidavit-in-reply filed on behalf of the respondents, the stand is taken as under :

“ The guidelines issued by State Election Commission further provided that if the contesting candidate withdraws any of the nomination forms for contesting the election to the Gram Panchayat from Gram Panchayat Ward, then it would be deemed that the contesting candidate has withdrawn his candidature by withdrawing all nomination papers from contesting the election to the Gram Panchayat from desired/preferred Gram Panchayat Ward and therefore

such a contesting candidate would be ineligible for contesting the election to the Gram Panchayat from the concerned Gram Panchayat Ward.”

The aforesaid stand is taken on the basis of Guideline No.6 in Chapter V of the instructions issued by the State Election Commission to the Returning Officer, and withdrawal of nomination paper in respect of one ward in the same *Prabhag* is considered to be withdrawal of candidature from all the wards in the *Prabhag*. The action of the respondents is in accordance with the said guideline issued by the State Election Commission.

No interference is called for in the order impugned in this petition. The petition is dismissed.

Judge.

Lanjewar