

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

WRIT PETITION NO.4001/2015

Kamal w/o Ramesh Parate

..Versus..

Returning Officer, Village Panchayat Elections, Dhanki Village Panchayat Umerkhed,
Distt. Yavatmal

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 3.8.2015

Heard Shri T.S. Deshpande, learned advocate for the petitioner
and Shri D.M. Kale, learned A.G.P. for respondent.

Though Shri V.N. Patre, learned advocate has submitted that
he is filing an application seeking permission to intervene, the
application is not yet on record and, therefore, he cannot be heard.

The grievance of the petitioner is that her nomination paper is
wrongly rejected by the Returning Officer on the ground that she has
not submitted any document to show that her caste claim is pending
for verification before the Caste Scrutiny Committee. It is submitted
that the petitioner has annexed copy of the communication dated 2nd

August, 2010 which shows that the caste certificate of the petitioner was referred for scrutiny to the Caste Scrutiny Committee. It is submitted that the petitioner has given an undertaking in the required format, along with the nomination paper, which shows that the caste claim of the petitioner is pending with the Caste Scrutiny Committee for verification.

Shri Kale, learned A.G.P. has submitted that the communication dated 2nd August, 2010 cannot be considered as a proof as the fact that the caste claim of the petitioner is pending for verification before the Scrutiny Committee after a period of about 5 years. Relying on the provisions of Clause (i) of the proviso below Section 10-1A of the Maharashtra Village Panchayats Act, it is submitted that the petitioner should have submitted some proof to show that her caste claim is pending for verification before the Caste Scrutiny Committee and as the petitioner has not submitted any proof, the nomination paper of the petitioner has been rightly rejected.

The petitioner is relying on the communication dated 2nd August, 2010 to contend that her caste claim is still pending for verification before the Caste Scrutiny Committee. In view of the facts on record, in my view, it would not be appropriate to entertain the

grievance of the petitioner in this writ petition. Keeping open the issues raised by the petitioner, the petition is disposed of with liberty to the petitioner to avail appropriate remedy, if so advised.

This Court while issuing the notice, by the order dated 15th July, 2015, granted an interim order directing the Returning Officer to accept the nomination paper of the petitioner provisionally. It was further directed that the results of the election shall not be declared without further orders of this Court.

In view of disposal of the petition, the Returning Officer is directed to exclude the name of the petitioner from the list of the candidates and declare the result of the election.

JUDGE

Tambaskar.