

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

WRIT PETITION NO.4051/2015

Sau. Punyaratha Pandurang Bhadange

..Versus..

The Returning Officer for Village Panchayat Election , Wakodi, through Tahsil Office,
Mahagaon, Distt. Yavatmal and others

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 : 14.8.2015

Heard Shri A.M. Haque, learned advocate for the petitioner, Shri K.S. Narwade, learned advocate for respondent no.3 and Shri K.L. Dharmadhikari, learned Assistant Government Pleader for respondent no.1.

The petitioner approached this Court with the grievance that her nomination paper for the election of the Grampanchayat was wrongly rejected on the ground that her name as shown in the caste certificate does not match with the name as shown in the voters' list and that the petitioner has not given declaration regarding criminal proceedings pending against her. The petitioner pointed out that the caste certificate is issued in her pre-marital name and her name as shown in the voters' list is her post-marital name. The petitioner has pointed out that she had submitted the certificate to the Returning Officer, which shows that the petitioner had given declaration that no criminal proceedings were pending against her at the time of submitting the nomination paper. This Court by the order dated 16th

July, 2015 granted interim order directing the Returning Officer to provisionally accept the nomination paper of the petitioner. It was further directed that the result of the election should not be declared until further orders of this Court.

The respondents have neither filed any reply nor have controverted the contentions of the petitioner. It is clear that the nomination paper of the petitioner was rejected on *non est* grounds and, therefore, the rejection was improper.

In view of the above, the following order is passed :

- (i) The decision of the Returning Officer to reject the nomination paper of the petitioner is quashed.
- (ii) The result of the election shall be declared by the Returning Officer, treating the petitioner as the validly nominated candidate.
- (iii) Petition is allowed in the above terms.
- (iv) In the circumstances, the parties to bear their own costs.

C.A.W. NO.1434/2015.

In view of the above order, this application does not survive and is disposed of accordingly.

C.A.W. NO.1435/2015.

In view of the order dated 23rd July, 2015 passed by this Court the applicant in this application is already added as respondent no.3 in the petition, therefore, this application does not survive and is disposed of accordingly.

JUDGE