

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

WRIT PETITION NO.4378/2015

Sou. Radhabai Dharma Vinkar,
Aged about 75 Yrs., Occu. Household,
R/o At Post Andhera, Tah. Deulgaon
Raja, Distt. Buldhana.

..Petitioner.

..Versus..

1. The Collector, Buldhana,
Tah. & Distt. Buldhana.
2. The Tahsildar,
Deulgaon Raja, Distt. Buldhana.
3. Returning Officer of the Election
of Gram Panchayat, Andhera,
Tah. Deulgaon Raja,
Distt. Buldhana.

..Respondents.

Shri H.N. Potbhare, Advocate for the petitioner.
Shri K.L. Dharmadhikari, A.G.P. for respondents.

CORAM : Z.A. HAQ, J.

DATE : 29.7.2015

ORAL ORDER

1. Heard Shri H.N. Potbhare, the learned advocate for the petitioner and Shri K.L. Dharmadhikari, the learned A.G.P. for the respondents.
2. The grievance of the petitioner is that her nomination form has been wrongly rejected by the Returning Officer on the ground that the petitioner has not annexed any

proof along with the nomination paper to show that her caste claim is pending for verification before the Caste Scrutiny Committee. The learned advocate has submitted that the copy of the application which was submitted to the Scrutiny Committee for verification of his caste claim, was given to the Returning Officer on 21st July, 2015 at the time of scrutiny, however, it was not accepted and the nomination paper of the petitioner is rejected on the technical ground. It is submitted that the caste claim of the petitioner is pending for verification with the Caste Scrutiny Committee and, therefore, in view of Clause (i) of the proviso below Section 10 1-A of the Maharashtra Village Panchayats Act the petitioner is entitled to contest the election.

Shri Dharmadhikari, the learned A.G.P. opposes the claim of the petitioner. The learned A.G.P. has submitted that the copy of the application which is placed on the record at page no.31 of the paper book shows that it was submitted to the Caste Scrutiny Committee on 20th March, 2010 and there is nothing on the record to show that the caste claim of the petitioner is pending for verification before the Caste Scrutiny Committee. In the above facts, in my view, this is not a fit case for exercising the extraordinary writ jurisdiction. The petition is disposed of with liberty to the petitioner to avail the appropriate remedy, if so advised.

JUDGE