

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

WRIT PETITION NO.5767 OF 2015

[Shailatai w/o Shivaji Honale .vs. Returning Officer and one]
 with

WRIT PETITION NO.5768 OF 2015

[Varsha w/o Bhanudas Honale .vs. Returning Officer and one]

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

Court's or Judge's orders

Shri S.D. Chopade, counsel for the petitioners,
 Shri N.S. Khubalkar and Shri A.M. Deshpande, Assistant Government Pleaders
 for the respondents.

.....

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : OCTOBER 15, 2015.

Since the issue involved in the two petitions is identical, they are heard together and are decided by this common order.

That, the general elections to Gram Panchayat, Mandoli were declared on 28.9.2015. As per the election programme, that was declared on 28.9.2015, the candidates were permitted to file their nomination forms from 7.10.2015 to 13.10.2015, between 11.00 am to 4.00 pm. According to the petitioners, they had tendered their nomination forms, on-line before 4.00 pm on the last date i.e. 13.10.2015, but they could not submit the print out of the nomination forms and declaration with their signatures to the Tahsildar before 4.00 pm on 13.10.2015. According to the petitioners, since they had tendered their nomination forms on-line, a direction be issued to the respondents–Returning Officer to accept the nomination forms. According to the petitioners, the petitioners are not to be blamed, as they had tendered the forms on-line before 4.00 pm and they could not submit the print out of the forms so tendered along with the declaration and their signatures before 4.00 pm on 13.10.2015.

The learned Assistant Government Pleaders appearing on behalf of the respondents, submitted that the nomination forms of the petitioners were rightly not accepted after the stipulated time on 13.10.2015. It is stated that the print out of the forms was admittedly not submitted before 4.00 pm on 13.10.2015. It is submitted that the election programme was declared on 28.9.2015 and the nomination forms could have been filed by the candidates from 7.10.2015 to 13.10.2015.

It appears that the candidates had a week's time to file their nomination forms. There was no reason for the petitioners to wait for tendering the nomination forms on-line till 2.29 pm and 2.53 pm on 13.10.2015. The petitioners had admittedly not submitted the print out of the nomination forms and the declaration with their signatures before 4.00 pm on 13.10.2015, as per Rules. The Returning Officer has scrupulously followed the rules of the Maharashtra State Election Commission. No illegality can be found with the refusal on the part of the respondents in accepting the nomination forms of the petitioners after 4.00 pm on 13.10.2015. Also, it is rightly submitted on behalf of the respondents that the election process is already set in motion and any indulgence by this court, at this stage, would result in interference with the election process.

In view of the aforesaid, we dismiss the writ petition, with no order as to costs.

JUDGE

JUDGE