

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

WRIT PETITION NO. 4267 OF 2016

Uttamrao s/o Dhupsingh Rathod

.. Petitioner

vs

The State of Maharashtra and ors.

.. Respondents

Mr. Pravind B. Rakhunde, Advocate for petitioner

Mr. S.N. Kendre, Asstt. Government Pleader for respondent no. 1

Mr. S. T. Shelke, Advocate for respondents no. 2 and 3

CORAM : SUNIL P. DESHMUKH, J.

DATE : 12TH APRIL, 2016

ORDER :

1. Petition has been moved challenging rejection of petitioner's request not to accept nomination of respondent no. 5 on 04-04-2016 by returning officer, contending that respondent no. 5 has more than two children and the third child is born after the cut off date which, according to learned counsel for the petitioner, is 05-06-2003.

2. He further submits petitioner had submitted birth certificates in respect of two children of respondent no.5 and returning officer had demanded material in support of contention of the petitioner that respondent no. 5 has third child and an hour had been granted to him to produce during that short period the material. However, no material in the given time could be produced.

3. According to learned counsel appearing on behalf of the petitioner, the reason for the same is that relevant information and documents though had been sought from the head master of the concerned school regarding third child of respondent no.5, he had refused to accede to the request on the ground that the information sought for is of personal nature referring to certain provisions of government circulars.

4. Learned counsel further fairly states that as on the date, there is no material available with him to support his contention that third child of respondent no. 5 had been born after cut off date.

5. Having regard to aforesaid, no fault can be found with the impugned order passed by returning officer accepting nomination of respondent no. 5.

6. Writ petition, as such, is not being entertained and is rejected. It is, however, open for the petitioner, if so advised, to challenge election of respondent no. 5 under proper proceedings. This order would not be an impediment for the same.

SUNIL P. DESHMUKH,
JUDGE

pnd