

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

909 WRIT PETITION NO. 11143 OF 2016

SUVARANA SUNIL DHONGDE
VERSUS
THE RETURNING OFFICER BEED AND OTHERS

...
Advocate for Petitioner : Gaware Niteen V.
Advocate for Respondent 1 : S.T. Shelke
...

CORAM : T.V. NALAWADE, J.
DATED : 16th November, 2016.

ORDER :

1. The petition is filed to challenge the order made by Returning Officer by which nomination form of the present petitioner to contest the election to Municipal Council, Beed from Ward No. 10-A is rejected and the proceeding is also filed to challenge the decision given by the District Court, Beed in Municipal Election Appeal No. 7/2016. Both the sides are heard.

2. The nomination is rejected on the ground that on the verification part of the nomination form, there was no signature of the candidate. Copy of nomination form is produced and it shows that at the first place in the application, there is the signature of the candidate, but at the place of verification which is for confirming the contents of the nomination application and

for confirming that the candidate had consented to nomination, there is no signature of the petitioner. The verification includes more declarations about age, eligibility and also to the effect that she had no interest in any contract of the Local Body and she was not liable to pay any dues to the Local Body.

3. Rule 12 (1) and 13(4) of the Maharashtra Municipal Councils, Nagar Panchayats Election Rules 1966 are relevant in the present matter. The Rules show that nomination form should be complete as mentioned in Rule 12 and the verification part of the nomination form is a part of the application.

4. The learned counsel for petitioner submitted that the defect is not of substantial character as described in Rule 13 (4) in the aforesaid Rules and on the aforesaid ground, nomination form could not have been rejected. He placed reliance on the observations made by this Court in **Writ Petition No. 9428/2012 and other connected matters [Bappasaheb s/o. Rajendra Hawale Vs. The State Election Commission and Ors.] decided on 20.11.2012** and **Writ Petition St. No. 30085/2012 [Shrikrishna Vaijinath Mate Vs. The State Election Commission and Ors] decided on 19.11.2012**. In the first proceeding, the defect was in respect of the declaration

which is required to be annexed along with the nomination form and that can be seen from paragraph Nos. 6 and 8 of the order. It was part of Annexure II and it was not bearing signature/thumb impression of the candidate. It was held that as the defect was in Annexure II, it was not defect of substantial character. The reasoning for that is given in the order. The facts of the present matter are altogether different. This Court holds that the aforesaid observations are of no help to the petitioner in the present matter as nomination form itself is not complete and as it is not bearing the signature on verification of the contents of the application. In the second matter, the facts are not mentioned in the copy of the order dated 19.11.2012 produced before this Court. At paragraph No. 3, there is mention of declaration and then there is mention of verification. From the contents of paragraph No. 3, it can be said that there is clear possibility that there was defect like absence of signature on verification of declaration which is a part of Annexure II. Thus, the second order is also of no use to the petitioner. This Court holds that at this stage, it is not possible to interfere in the order made by the Returning Officer which is confirmed by the District Court. So, the petition stands dismissed.

[T.V. NALAWADE, J.]

ssc/