

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

912 WRIT PETITION NO. 11179 OF 2016

SAYYED SAJEDA HABIBURURAHMAN
VERSUS
RETURNING OFFICER THROUGH ITS S D M JALNA AND OTHERS

...
Advocate for Petitioner : U.D. Dalvi h/f. Shirsat Suhas R.
AGP for Respondent/State : R.B. Bagul
Advocate for Respondent/Returning Officer : S.T. Shelke
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CORAM : T.V. NALAWADE, J.
DATED : 16th November, 2016.

ORDER :

1. The petition is filed to challenge the order of rejection of nomination form of the present petitioner in respect of election to Jalna Municipal Council and also the decision given by the District Court, Jalna in Election Appeal No. 27/2016. Heard the learned counsel for petitioner. Learned counsel Shri. Shelke for Returning Officer is also heard. Nomination form is rejected on the ground that the proposer has not signed on the nomination form as a proposer, though the name is mentioned. The provisions of Rule 12 (2) and 13 of the Maharashtra Municipal Councils and Nagar Panchayats Election Rules 1966 show that nomination form can be complete only if it is completely filled and it is signed by the candidate and also by the proposer. Copy of the nomination form is on the record and it

shows that it was not signed by the proposer. This defect is of substantial character and so, this Court holds that Returning Officer has not committed any error in rejecting the nomination form. The submission made by the learned counsel for petitioner that other candidates were allowed to correct the defects cannot be considered at this stage and in the present proceeding. In the result, the petition stands dismissed. There is liberty to agitate the aforesaid contention in election petitioner.

[T.V. NALAWADE, J.]

ssc/