

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

912 WRIT PETITION NO. 11323 OF 2016

**SURAJ JAISING CHUNGDE AND ANOTHER
VERSUS
THE CHIEF ELECTORAL OFFICER MUMBAI AND
OTHERS**

Shri. N.P. Bangar, Advocate, for petitioners.

Shri. S.T. Shelke, Advocate, for respondent Nos.1 & 2.

Shri. R.B. Bagul, Assistant Government Pleader, for State of Maharashtra.

CORAM: T.V. NALAWADE, J.

DATE : 18 NOVEMBER 2016

ORDER:

1) The petition is filed to challenge the order made by the Returning Officer by which the nomination forms of the present petitioners are rejected and also the decision given by the District Court Beed in Election Petition No.4/2016. Notice. Learned counsel Shri. S.T. Shelke waives notice for the Returning Officer. Both sides are heard.

2) Petitioner No.1, Suraj Chungde had filed nomination from from Ward No. 5-B and petitioner No.2 - Lilabai had filed nomination from from Ward No.5-A. They wanted to contest the election as candidates of political party, Shiv Sena. Form AB was supplied to petitioner No.1 Suraj but the form was supplied for Ward No.5-A and the AB form was supplied for Ward No.5-B for petitioner No.2. As there was only one proposer on the nomination form, in view of provision of Rule 12(2) of the Maharashtra Municipal Councils and Nagar Panchayats Election Rules, 1966, both the nomination forms came to be rejected.

3) Learned counsel for the petitioners submitted that it was a sheer mistake of the political party in mentioning the number of the ward for which candidate was set up. He submitted that Ward No.5-A was reserved for Open Women and so there was no question of supply of AB form in respect of Ward No.5-A in favour of Chungde Suraj and from that circumstance inference was easy that it was a sheer mistake. He submitted that as the party intended to set up the petitioners as its candidates in aforesaid two different wards, the Returning Officer ought

to have accepted the nomination forms and he ought to have held that it was the sheer mistake of the political party.

4) The aforesaid submission made by the learned counsel for the petitioners is not at all acceptable. The Returning Officer has rightly rejected the nomination forms and the District Court has not committed any error in dismissing the appeal. There is no possibility of interference in the matter. The petition stands dismissed

Sd/-
(T.V. NALAWADE, J.)

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