

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 33164 OF 2016**

Manisha Rajendra Gawade

..Petitioner

Vs.

State of Maharashtra & Ors.

..Respondents

**Mr. Y. S. Jahagirdar Senior Advocate a/w Mr. S. S.Kanetkar for the
Petitioner**

Mr. S. D. Rayrikar AGP for the Respondent No.1

Mr. V. P. Sawant a/w Mr. Prabhakar Jadhav for the Respondent No.3

CORAM : R. M. SAVANT, J.

DATE : 2nd DECEMBER, 2016

P.C.

1 Not on board. Mentioned for urgent reliefs.

2 The Writ Jurisdiction of this Court is invoked against the order dated 30-11-2016 passed by the Learned District -15, Pune, by which order, the Appeal filed by the Petitioner against the order passed by the Returning Officer dated 21-11-2016 rejecting the nomination of the Petitioner.

3 The Petitioner was desirous of contesting the elections from one of the wards of the Shirur Municipal Council in general elections on the ground that the Petitioner has not signed the nomination form. The Returning Officer found the said defect to be of a substantial nature. The rejection of the nomination by the Returning Officer by order dated 21-11-2016 was carried in Appeal before the Appellate Authority i.e. the Learned District Judge-15, Pune. The Appellate Authority has dismissed the Appeal by reiterating the finding of

the Returning Officer namely that the non signing of the nomination form is a defect of a substantial nature. The Appellate Authority has referred to various Supreme Court Judgments and on such reference has come to a conclusion that non signing of the nomination papers is in breach of the directions of the Election Commission. It is required to be noted that final list of candidates is to be published on 5-12-2016 and tomorrow i.e. 3-12-2016 is the last day of withdrawal of the nomination.

4 The Learned Senior Counsel appearing on behalf of the Petitioner sought to reiterate the contentions which were urged on behalf of the Petitioner before the Appellate Authority.

5 In my view, it is not possible to accept the said contentions in the Writ Jurisdiction of this Court under Articles 226 and 227 of the Constitution of India. The Writ Petition is accordingly dismissed.

6 However, it would be open for the Petitioner to adopt appropriate proceedings after the elections are over by way of an Election Petition. If any such Election Petition is filed, needless to state that the same would be tried on its own merits and in accordance with law uninfluenced by the impugned orders.

[R.M.SAVANT, J]