

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1427/2017

Suman w/o Uttreshwar More & another.
...Petitioners..

Versus

The Chief Election Officer,
Maharashtra Election Commission
& others.

...Respondents...

.....

Shri M.U. Shelke, Advocate for petitioners.
Shri S.T. Shelke, Advocate for respondent no.1.
Smt.A.V. Gondhalekar, AGP for respondent nos.2 to 4.

.....

**CORAM: V.M. KANADE &
SANGITRAO S.PATIL, JJ.**

DATE: 31.01.2017

ORDER :

- 1] Heard learned counsel appearing for the parties.
- 2] The grievance of the petitioners is that the name of petitioner no.1 has not been entered in the final voters list. Her application for inclusion of her name was not accepted and she was communicated by a letter dated 19.1.2017 that since she has not filed an application within time, her request for adding her name in the

- 2 -

voters list cannot be accepted for the present elections.

3] Learned counsel appearing on behalf of the petitioners invites our attention to frequently asked questions and the answers given to them by the State Election Commission. The question no.3 pertains to the time when the final voters list is prepared. The question no.3 is the question which mentions as to when the name can be entered in the voters list and answer to the said question is, when the review programme is announced or at any other time the name can be included in the list. The learned counsel for the petitioners relies on the said question and answer that there is no bar for inclusion of the name since it is a Constitutional right and the name can be included at any time.

4] In our view, the said submission cannot be accepted. The answer to the question is very specific and it states that when review takes place during that period, the name can be included. It is an admitted position that the period of review is limited and the petitioner no.1 has filed application after the said period of review is over.

- 3 -

5] In view of above, it is not possible to include the name of petitioner no.1 in the voters list for the present elections. However, her name may be included for future elections if she fulfills all the criterion.

6] The petition is accordingly disposed of. No costs.

(SANGITRAO S.PATIL, J.)

(V.M. KANADE, J.)

ndk/c3111735.odt