

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11869 OF 2017

NIRMALA PARASRAM WATUDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Jadhavar Aashish T
AGP for Respondents - State authorities : Shri Bhagat N.T.
Advocate for Respondent - SEC : Shri Shelke S.T.
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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 27, 2017
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PER COURT :-

1. The petitioner is aggrieved by the rejection of her nomination form for the reason that at one place she has written the name of the village as Gram Panchayat Dhanora Devgaon instead of Gram Panchayat Devgaon Dhanora, which is reflected in the online form as 'gp Dhanora de'. It should have been gp Devgaon dha". However, in the name and address and in the other pages, of the nomination forms, she has consistently written her address at Devgaon Dhanora.

2. Considering the effect of Rule 11 of the Bombay Village Panchayats Elections Rules, 1959 pertaining to scrutiny of nominations and the decision of this Court in the matter of Anant

Janardhan Patil Vs. State of Maharashtra [2002 (2) Mh.L.J. 238], unless the defect is of substantial character, the Returning Officer would not be justified in rejecting the nomination paper on the ground of a minor defect. The same was also curable during the scrutiny of the nomination papers.

3. Considering the above, this petition is allowed. The impugned order dated 25.9.2017 passed by the Returning Officer is set aside and the nomination form of the petitioner shall stand accepted.

4. Learned AGP shall communicate this order to the Returning Officer, since it has been dictated in the open Court.

(RAVINDRA V. GHUGE, J.)

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