

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 11920 OF 2017

SAVITA BHAGWAT PARALKAR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Shelke Appasaheb A  
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 by the Returning Officer, by order dated 25.9.2017, for contesting the Gram Panchayat elections for the reason that she has not submitted the certified copy of the caste certificate and a proof of her caste claim being pending before the competent Scrutiny Committee under the Maharashtra Scheduled Castes, Scheduled Tribes, De Notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No. XXIII of 2001).

2. Learned Advocate for the petitioner strenuously submits that every document prescribed for validation of the nomination paper has been submitted before the Returning Officer. Page No. 8 till Page No.35 of the petition paper book contain all the documents that are necessary. However, the Returning Officer has passed an erroneous order stating that the said two documents mentioned in the impugned order were never filed along with the nomination papers.

3. Learned counsel for the State Election Commission and the Returning Officer submits that the Returning Officer has no reason to pass a dishonest order. He noticed that two documents mentioned in the order were not filed and he has, therefore, raised the said issue in the impugned order.

4. It therefore, appears in this matter that the statements of the petitioner and the Returning Officer are "Word against word". Such disputed questions cannot be gone into in a petition, challenging the rejection of the nomination form.

5. As such, this petition is dismissed for the above reasons. The petitioner would be at liberty to avail of a remedy as is

permissible in law for raising the above said grievance before the appropriate forum.

( RAVINDRA V. GHUGE, J. )

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akl/d