

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 11917 OF 2017

BHAUSAHEB SHIVRAM WAGH  
VERSUS  
THE DISTRICT COLLECTOR / THE DISTRICT ELECTION  
OFFICER AURANGABAD AND OTHERS

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Advocate for Petitioner : Shri Ingole G.R.  
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 challenging the validation of nomination form of respondent No.4 by the Returning Officer for the elections to the Gram Panchayat Khullod / Veergaon, Taluka Sillod, District Aurangabad.

2. Grievance is that on the date of scrutiny of the nomination papers, which is 25.9.2017, the petitioner / objector placed on record a copy of the first information report, registering an offence against respondent No.4 under Section 420 of the IPC. The said offence is now subject matter of RCC No. 14 of 2017, and is pending before the Court having criminal jurisdiction.

3. My attention is drawn to the affidavit submitted by respondent No.4 wherein he has declared that there is no case pending against him, no FIR is registered against him and no Court has taken cognizance of any offence committed by him.

4. The petitioner places reliance on the judgment of the Honourable Supreme Court in the matter of Mairembam Prithviraj @ Prithviraj Singh Vs. Pukhrem Sharatchandra Singh [(2017) 2 SCC 487], wherein, the Honourable Apex Court has concluded that suppression of educational qualification by the candidate is violative of the rights and entitlements of voters and such improper acceptance of nomination would materially affect the result of the elections of a returned candidate.

5. Considering the above, issue notice before admission to the respondents returnable on 24.11.2017. Matter shall appear in the Supplementary Board. Learned AGP waives service for respondent Nos.1 and 3. Shri Shelke, learned Advocate waives service for respondent No.2.

6. The result of the election of respondent No.4 to be held on 7.10.2017, shall be subject to the result of this petition.

7. The petitioner shall tender a copy of the petition paper book on/or before 7.10.2017, failing which this petition shall stand dismissed without reference to the Court on 9.10.2017.

( RAVINDRA V. GHUGE, J. )

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