

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11868 OF 2017
ARUN NANASAHEB RAUT
VERSUS
THE MAHARASHTRA STATE ELECTION COMMISSION
AND OTHERS

WITH

WRIT PETITION NO. 11871 OF 2017
RAHUL RAJARAM RAUT
VERSUS
THE MAHARASHTRA STATE ELECTION COMMISSION
AND OTHERS

WITH

WRIT PETITION NO. 11872 OF 2017
SANGITA LAXMAN RAUT @ SANGITA GENA KALE
VERSUS
THE MAHARASHTRA STATE ELECTION COMMISSION
AND OTHERS

WITH

WRIT PETITION NO. 11899 OF 2017
VIJAYA SHIVAJI KHADE
VERSUS
THE MAHARASHTRA STATE ELECTION COMMISSION
AND OTHERS

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Advocate for Petitioners : Shri Dighe Pravin S.
AGP for Respondents - State authorities : Shri Bhagat N.T.
Advocate for Respondent - SEC : Shri Shelke S.T.
Advocate for Respondent 4 : Shri Kedar S.R.

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WITH

WRIT PETITION NO. 11898 OF 2017
RADHABAI SUDHAKAR BHALKE
VERSUS
THE COLLECTOR LATUR AND OTHERS

WITH

WRIT PETITION NO. 11902 OF 2017
CHHAYA NARSING SURYAWANSHI
VERSUS
THE COLLECTOR LATUR AND OTHERS

WITH

WRIT PETITION NO. 11904 OF 2017
AMRUT BABURAO SURYWANSHI
VERSUS
THE COLLECTOR LATUR AND OTHERS

WITH

WRIT PETITION NO. 11905 OF 2017
SAMPATABAI MURLIDHAR HARANGULE
VERSUS
THE COLLECTOR LATUR AND OTHERS

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Advocate for Petitioners : Shri Gunale V.D.
AGP for Respondents - State authorities : Shri Bhagat N.T.
Advocate for Respondent - SEC : Shri Shelke S.T.

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WITH

WRIT PETITION NO. 11903 OF 2017
SATISH VASANTRAO SURYAWANSHI
VERSUS
THE MAHARASHTRA STATE ELECTION COMMISSION
AND OTHERS

WITH

WRIT PETITION NO. 11907 OF 2017
SHAM DASHRATH SURYAWANSHI
VERSUS
THE MAHARASHTRA STATE ELECTION COMMISSION
AND OTHERS

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Advocate for Petitioners : Shri Manale Satish S.
AGP for Respondents - State authorities : Shri Bhagat N.T.
Advocate for Respondent - SEC : Shri Bharaswadkar M.B.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: September 27, 2017

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PER COURT :-

1. In all these petitions, where, the rejection of the nomination forms have been challenged, the common ground for rejection is that the caste certificate was not found along with the nomination papers and documents appended thereto.

2. I have heard these matters for quite some time.

3. The learned Advocates for the petitioners contend that the Sarpanch of the said village and/or the Returning Officer have removed the Caste Certificate annexed to the nomination forms by these petitioners. It was suppressed from these petitioners during the scrutiny of the forms that the said certificates are missing or have not been annexed. Grievance is that no objection was raised in the scrutiny of these forms, as they were in order and it is only after the scrutiny was over, that the Returning Officer has passed an order concluding that

Section 10(1A) has been violated.

4. Another grievance raised is that the evidence of having tendered the caste certificate for validation to the competent 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) was annexed to the nomination form and that would be a substantial compliance of the requirement to validate the form.

5. I am of the view that, firstly, disputed questions cannot be gone into in the Writ jurisdiction of this Court and secondly, when the law mandates the filing of certain documents along with the nomination forms, this Court would not be justified in diluting the said provisions by deciding the extent to which such applicants can be exempted from filing their caste certificates.

6. Considering the above, these petitions are disposed off

for the above recorded reasons. Needless to state, any remedy, as may be permissible in law, for the petitioners to raise a grievance in the light of their contentions in these petitions, is kept open.

(RAVINDRA V. GHUGE, J.)

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