

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11927 OF 2017

KAMINIBAI CHANDRABHAN BHOSALE

VERSUS

THE RETURNING OFFICER GRAMPANCHAYAT ELECTION AND OTHERS

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Advocate for the Petitioner : Shri P.B.Rakhunde h/f Shri Kulkarni Girish B.

AGP for Respondents/ State : Shri N.T.Bhagat.

Advocate for Respondents/ Election Commission : Shri S.T.Shelke.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th September, 2017

Per Court:

1 The Petitioner is aggrieved by the order passed by the Returning Officer dated 25.09.2017 invalidating her nomination form for the reason that neither the Caste Certificate nor the Caste Validity Certificate nor the proof of any pending claim for validation before the Scrutiny Committee, was tendered along with the nomination form.

2 The learned Advocate for the Petitioner submits that the Petitioner's caste claim was invalidated by the Scrutiny Committee. The Petitioner has filed Writ Petition No.11615/2014 before this Court, which has been allowed on 15.06.2016. By the said judgment, the Scrutiny Committee was directed to issue the Caste Validity Certificate to the Petitioner.

3 Since this Court has granted the claim of the Petitioner on 15.06.2016, the Petitioner could have produced her Caste Validity Certificate along with the nomination form. She has not done so. The Returning Officer, therefore, had no clue as regards the Caste Claim of the Petitioner.

4 Considering the above, this Writ Petition cannot be entertained on account of the material lapses on the part of the Petitioner, which amounts to substantial defects under Rule 11 of the Bombay Village Panchayats Election Rules, 1959. This Writ Petition is, therefore, dismissed.

kps

(RAVINDRA V. GHUGE, J.)