

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

915 WRIT PETITION NO. 11926 OF 2017

**AKHILABEGUM JAVED AHMED KURESHI
VERSUS
THE RETURNING OFFICER GRAMPANCHAYAT ELECTION AND OTHERS**

**WITH
916 WRIT PETITION NO. 11928 OF 2017**

**JAVED GULAMNABI KURESHI
VERSUS
THE RETURNING OFFICER GRAMPANCHAYAT ELECTION AND OTHERS**

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Advocate for the Petitioners : Shri V.B.Kulkarni h/f Shri Kulkarni G.B..
AGP for Respondents/ State : Shri S.N.Kendre and N.T.Bhagat.
Advocate for Respondent/ Election Commission : Shri S.T.Shelke.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th September, 2017

Per Court:

1 In both these petitions, the identically placed Petitioners are aggrieved by the invalidation of their nomination forms, which is for the reason that they have neither placed on record their Caste Validity Certificates, nor any proof indicating that their claim for caste validation is pending before the Scrutiny Committee.

2 I have considered the submissions of the learned Advocates

appearing for the respective parties.

3 It is trite that under Section 10-1A of the Maharashtra Village Panchayats Act, a candidate has to submit a caste certificate and if he possesses a caste validity certificate, the same can also be produced along with the nomination form. Under the first proviso below Section 10-1A, if the Caste Validity Certificate is not available, a true copy of the application indicating that the caste claim has been tendered for seeking a validity certificate and is pending, has to be annexed to the nomination form.

4 Rule 11 and sub-rule 2-A of Rule 11 of the Bombay Village Panchayats Election Rules, 1959 permit the Returning Officer to cure minor defects during the scrutiny of the nomination forms, though he is precluded from correcting substantial defects, in the light of the law laid down by the learned Division Bench of this Court in the matter of Anant Janardan Patil vs. State of Maharashtra and others, 2002 (2) Mh.L.J. 238.

5 Considering the above, both these Writ Petitions being devoid of merit are dismissed.