

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12272 OF 2017

Madhukar S/o Dagdoji Shinde & others

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr. U.B. Bilolikar advocate for the petitioners

Mr. A.B. Girase, Government Pleader for Respondent Nos.1

Mr. M.V. Deshpande advocate for respondent No.3.

Mr. S.T. Shelke Advocate for respondent No.2

CORAM : **R. M. BORDE & VIBHA KANKANWADI, JJ**

(Date: October 9th 2017)

PER COURT :-

1 The petitioners are praying for quashment of the direction issued by the State Election Commission, directing them to perform election duty during the Nanded Waghala City Municipal Corporation elections.

2 It is informed that, the polling is scheduled on 11.10.2017. The petitioners, who are Lecturers functioning in the colleges, were intimated on 14.9.2017 and 24.9.2017 to report for pre-election training scheduled on 21.9.2017. The petitioners participated in the first training programme, so also in the second training programme, which was held on 3.10.2017. The instant petition is taken up before us just two days before the

scheduled date of election. Assuming that, the contentions raised by the petitioners are correct and that the election commission ought not to have utilized their services, looking to the urgency of the circumstances and time constraints before the Election Commission, in exercise of extraordinary jurisdiction under article 226 of the Constitution of India, no interference is called for. Since the petitioners have participated in the first and second training programmes, it shall have to be presumed that the participation of the petitioners in the election process is voluntary and as such, within the parameters laid down by this Court while disposing of Writ Petition No.1514/2017 on 5.5.2017.

3 Writ petition is rejected.

(VIBHA KANKANWADI, J.)

(R. M. BORDE, J.)