

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12255 OF 2017

POOJA UMESH KAGE
VERSUS
THE COLLECTOR OSMANABAD AND OTHERS

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Advocate for Petitioner : Shri D.S.Mali
GP for Respondents 1 & 2 : Shri A.B.Girase a/w AGP Shri S.N.Kendre
Advocate for Respondent 3 : Shri S.T.Shelke

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 06, 2017

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PER COURT :-

1. The petitioner is aggrieved by the rejection of her nomination form for the reason that she has not registered herself on-line and has not filled in the form on-line, which was supposed to be then tendered as a hard-copy after placing the signature of the candidate at every such place, where it was necessary.

2. The learned GP for the State and the learned counsel for the Returning Officer, indicate from the office order issued by the State Election Commission dated 23.8.2017 and the instructions issued by the State Department, that the purpose of preparing the on-line form for filling in the necessary details is aimed at ensuring that there is a on-line registration of the candidates and the said record is preserved by the said Department.

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3. I do not find that the purpose for which the on-line registration has been provided by the State could be termed as being a formal or an unnecessary formality. As the petitioner in this case has not resorted to filling in the form on-line, except for her tendering of the hard-copy of the nomination papers, there is no record with the concerned Department about the registration of the said candidate.

4. Considering the law laid down by the learned Division Bench of this Court in the matter of Anant Janardhan Patil Vs. State of Maharashtra [2002 (2) Mh.L.J. 238], the abovesaid defect would amount to substantial defect under Rule 11 of the Bombay Village Panchayats Elections Rules, 1959. This Court has concluded that substantial defects cannot be cured by the Returning Officer, as he is not empowered to do so.

5. Considering the above, this petition, being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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