

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14428 of 2017

Sau. Kalpana Sachin Thombre
@ Ku Kalpana d/o Babasaheb Dudhal

...Petitioner

versus

The Additional Commissioner and others

...Respondents

.....
Mr. D.J. Choudhari, advocate for the petitioner
Mr. N.T. Bhagat, AGP for respondent Nos. 1 to 3
Mr. S.S. Wagh h/f Mr. S.T. Shelke, advocate for respondent No.4
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CORAM : V. K. JADHAV, J.
DATED : 14th DECEMBER, 2017

PER COURT:-

1. Heard.
2. The petitioner has challenged the order dated 12.12.2017 passed by respondent No.4, thereby rejecting nomination paper of the petitioner submitted for the post of Sarpanch of Gram Panchayat Talkheda, Tq. Majalgaon, District Beed, which is reserved for O.B.C. category, on the ground that the petitioner has failed to prove that Sau. Kalpana Sachin Thombre and Ku. Kalpana d/o Babasaheb Dudhal is the same person.
4. Learned counsel for the petitioner submits that the premarital

name of the petitioner is Ku. Kalpana Babasaheb Dudhal. The petitioner has produced before the respondent Returning Officer a copy of S.S.C. certificate wherein her name is mentioned as Kalpana Babasaheb Dudhal and the school leaving certificate issued by the Z.P. School, Walwad, Tq. Bhoom, District Osmanabad, wherein the same name is mentioned. In addition to this, the petitioner has also submitted copy of her marriage card. The petitioner has explained in her affidavit filed alongwith the nomination that her premarital name is Kalpana Babasaheb Dudhal and after the marriage, she became Sou. Kalpana w/o Sachin Thombre. Learned counsel submits that even then the respondent Returning Officer has rejected the nomination paper submitted by the petitioner.

5. Learned counsel for the respondent Returning Officer submits that though the petitioner has submitted certain documents including copy of S.S.C. certificate and school leaving certificate, however, there is no photo identity and as such it is difficult for the Returning Officer to find out whether she is the same person.

6. I do not find any substance in the submissions made on behalf of respondent Returning Officer. The petitioner has produced on record the S.S.C. Certificate and school leaving certificate, showing her premarital name. She has also produced on record the caste

certificate. Further alongwith the nomination paper, she has submitted Identity card issued by the Election Commission of India wherein her name after the marriage has been mentioned. In respect of Aadhar card produced before the Returning Officer, the petitioner has also explained the same by filing her affidavit alongwith the nomination. The caste certificate is also produced on record. I do not find any justifiable reason for rejection of the nomination paper of the petitioner. Hence, the following order:-

O R D E R

- I. Writ petition is hereby allowed in terms of prayer clauses "C" and "D".
- II. Writ petition is disposed of. No costs.

(V. K. JADHAV, J.)

rlj/