

mm

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1638 OF 2017

Yogita Yeshwant Shirke

...Petitioner

Vs.

State of Maharashtra & Ors.

...Respondents

Mr. Avinash H. Fatangare for the Petitioner

Mr. S.B. Shetye for Respondent No.4

Mr. A.P. Kulkarni for Respondent Nos. 2 & 3

Mr. Vikas Mali for Respondent No.1

CORAM : NARESH H. PATIL &

M.S. KARNIK, JJ.

DATED : 7TH FEBRUARY, 2017

P.C. :

The Petitioner challenges an order passed by the Returning Officer rejecting his nomination papers on the ground that the proposer and the seconder have failed to sign on their respective declaration forms.

2. Learned Counsel appearing for the Petitioner has placed reliance on the communication / order dated 4th February, 2017. It is submitted that advance intimation ought to have been given by the Returning Officer so that the Petitioner could have removed the

deficiency / defects, if any.

3. Mr. Shetye learned Counsel for the State Election Commission submits that the defect was of a substantial nature, it is mandatory for the proposer and the seconder to sign on the necessary forms prescribed by the State Election Commission.

4. In the facts we are of the view that no interference is called for. The election programme is already declared. Today's date is fixed for withdrawal of candidature.

5. We perused the record and the Rules. The election process has already set in motion. At this stage we are not inclined to exercise our writ jurisdiction. However, the Petitioner is at liberty to resort to appropriate statutory remedy after the election results are declared.

6. With the above observations the Petition is dismissed.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)