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

WRIT PETITION ST. NO. 3707 OF 2017

Sunanda Sanjay Devkar

...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 and 3

Mr. Vikas Mali, AGP for Respondent No.1

CORAM : NARESH H. PATIL &

M.S. KARNIK, JJ.

DATED : 7TH FEBRUARY, 2017

P.C. :

The Petitioner's nomination paper came to be rejected on the ground that she failed to sign on the nomination form. Learned Counsel appearing for the Petitioner submits that when the forms were to be submitted on-line the Returning Officer ought to have provided an opportunity to the Petitioner to sign on the nomination paper. This procedure was not followed. The Petitioner was under bonafide belief that on scrutiny an opportunity to correct the defects, if any, in the nomination paper would be provided.

2. Mr. Shetye learned Counsel for State Election Commission submits that failure to sign on the nomination paper is a defect of substantial nature and, therefore, the Returning Officer has rightly rejected the nomination paper.

3. In the facts at this stage we are not inclined to exercise our writ jurisdiction. Today's date is fixed for withdrawal of candidature. However, the Petitioner is at liberty to resort to appropriate statutory remedy after the election results are declared.

4. With the above observations the Petition is dismissed.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)