

pdp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1602 OF 2017

Mrs. Sunita Jagannath Ladkat

.. Petitioner

Vs.

Election Returning Officer

.. Respondent

Mr. A. V. Anturkar, Senior Advocate i/by Mr. S. B. Deshmukh for
petitioner.

Mr. S. B. Shetye for respondent.

CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.

FEBRUARY 06, 2017.

P.C.

1. Not on board, mentioned and, therefore, taken on board.
2. The petitioner challenges an order passed by the Returning Officer on 4/2/2017, rejecting the nomination paper submitted by the petitioner. The petitioner submitted caste certificate, in which her maiden name was mentioned. After the marriage, the name of the petitioner was changed and while submitting the nomination paper, the petitioner mentioned her name according to her marital status.

3. Learned Senior Counsel appearing for the petitioner submits that such a rejection would be contrary to the provisions of Rule 9 of Election Rules framed under Schedule D (under Section 453) of the Maharashtra Municipal Corporation Act, 1949 (for short “the Act”). The Returning Officer was not entitled to reject the nomination paper. Learned counsel submits that the publication of the list of candidates submitting valid nominations soon after the scrutiny is contrary to the proviso to Rule 9(11).

4. Learned counsel appearing for the respondent submits that according to the election programme, list of candidates submitting valid nomination has been already published / declared and on 7/2/2017 withdrawal of nomination paper would be permissible. Learned counsel submits that there is no case made out for interfering in the order passed by the respondent no.1.

5. We have perused Section 16 of the Act and the Rules. According to the election programme, the list of candidates submitting valid nominations was already published. We perused the record.

6. In the facts, no interference is warranted under writ jurisdiction. Petitioner is entitled to resort to statutory remedy as permissible in law. Petition is dismissed.

(M. S. KARNIK, J.)

(NARESH H. PATIL,J.)