

mm

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

WRIT PETITION NO. 1635 OF 2017

Usman Hashmoddin Tamboli

...Petitioner

Vs.

The Returning Officer

Pune Municipal Corporation, Pune

...Respondent

Mr. Sagar Katkar for the Petitioner

Mr. S.B. Shetye a/w. Mr. A.P. Kulkarni for Respondent

CORAM : NARESH H. PATIL &

M.S. KARNIK, JJ.

DATED : 7TH FEBRUARY, 2017

P.C. :

The Petitioner's nomination came to be rejected on the ground that he failed to sign on one of the declaration forms in respect of his willingness to work as a Corporator after getting elected.

2. Learned Counsel appearing for the Petitioner submits that the error is of technical nature and on that ground the nomination paper ought not to have been rejected.

3. Mr. Shetye learned Counsel for the Election Commission submits that the defect is of substantial nature. The candidate is bound to sign all the declarations for getting the nomination papers accepted.

4. We perused the record. The Petitioner failed to sign on one of the declaration. The Election process is already set in motion. The election programme is already declared. Today's date is fixed for withdrawal of candidature. In the facts at this stage we are not inclined to interfere in the matter. However, the Petitioner is at liberty to resort to appropriate statutory remedy after the election results are declared.

5. With the above observations the Petition is dismissed.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)