

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1708 OF 2017

Shashikala Suresh Sonavane .. Petitioner
Vs.
The Election Officer and ors. .. Respondents

Mr.Milind Deshmukh, for the Petitioner.
Mr.S.B.Shetye,for Respondent No.2 – State Election Commission.
Mr.Vikas Mali, AGP for State.

**CORAM : NARESH H. PATIL AND
M.S.KARNIK, JJ.**

08th FEBRUARY, 2017

P.C. :

. The petitioner's challenge is to an order dated 06/02/2017 passed by the Returning Officer rejecting the nomination of the petitioner to contest the election of the Mumbai Municipal Corporation from Ward No. 210.

2. The petitioner's nomination was rejected on the ground that along with nomination form, the petitioner failed to file caste certificate.

3. According to the petitioner, this defect is of technical nature which could be cured.

4. Mr.Shetye- learned Counsel appearing on behalf of the State Election Commission submits that the Rules framed under the Maharashtra Municipal Corporations Act, 1948 are mandatory in nature. The election programme is already declared and the election process is already set in motion.

5. We have perused the record and Rules. Admittedly, caste certificate was not submitted along with nomination form. As election programme is already declared and election process is already set in motion, in the facts, 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 above observations, Petition is dismissed.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)