

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

WRIT PETITION NO. 5511 OF 2017

Lawrence Salvador Dsouza ...Petitioner
Versus
The Chief Election Commissioner And Ors ...Respondents

Ms.Bhavika Kuperkar h/f Mr.Ambadas Vishwanath Chatuphale for
the Petitioner.

**CORAM : A.S. OKA &
SMT.VIBHA KANKANWADI, JJ.**

DATE : 03rd JULY 2017

P.C.

1. Heard learned counsel appearing for the petitioner.

Prayer (a) reads thus :-

“(a) That this Hon'ble Court be pleased declare that the Petitioner belongs to OBC Category pursuant to the orders of the Hon'ble Supreme Court of India dated 18th July, 2016 passed in Civil Appeal No.6539 of 2016 of 2016 till the Caste Certificate Scrutiny Committee;”

2. Admittedly, the proceedings for verification of the Caste claim of the petitioner are pending before the concerned Caste Scrutiny Committee. Therefore, such a declaration cannot be granted. As far as prayer clause (b) is concerned, by order dated

06th February 2017, Returning Officer rejected the nomination papers of the petitioner for General Ward Election of the Municipal Corporation which was held on 21st February 2017. In Writ jurisdiction, the issue of rejection of nomination paper cannot be gone into as the petitioner has a remedy to challenge the result of the election. Hence, we decline to entertain this petition. Accordingly, the petition is rejected with observation that no adjudication is made on the merits of the controversy.

[SMT.VIBHA KANKANWADI, J.]

[A.S. OKA, J.]