

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

WRIT PETITION NO. 2057 OF 2017

Smt. Swati Raviraj Dhule ... Petitioner

V/s.

The Election Returning Officer ... Respondents

Mr. S.B. Deshmukh for the petitioner.
Mr. S.B. Shetye for State Election Commission.

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

14th February, 2017.

P.C.

The petitioner challenges the order passed by the Returning Officer accepting nomination form of petitioner as an independent candidate. The petitioner's case is that she submitted nomination form on 6th February, 2017 from Kasabe Sukene, Ward No. 101, as a BJP candidate. According to written instructions the nomination papers in complete forms were to be submitted with the Returning Officer. Admittedly, the last date for filing nomination was on 6th February, 2017. The AB form was

submitted alongwith nomination paper. The AB form submitted by the Bhartiya Janata Party refers to Kasabe Sukene as the Electoral College-51. The Returning Officer, therefore, treated petitioner as an independent candidate as party did not submit the AB form for Electoral College Kasabe Sukene 101.

2. Learned Counsel appearing for petitioner submits that the error was corrected by the party on the next day by informing that the AB form submitted by the party be treated to be for College No.101.

3. We have perused the record. The AB form was submitted by Bhartiya Janata Party for Electoral College -51. The same was filed alongwith nomination paper on 6th February, 2017. The District President of Bhartiya Janata Party Nashik communicated the election officer that the said AB form be considered and treated as for Electoral College No. 101 on 7th February, 2017. The returning officer did not accept the petitioner as BJP candidate but treated the petitioner as an independent candidate.

4. In the facts, we find that election process is already set in motion. Petitioner has alternate statutory remedy. At this stage, we are not

inclined to interfere in the election process in exercise of writ jurisdiction of this Court.

5. Keeping all issues on merits open, petition stands disposed of.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.