

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 4661 OF 2017**

Sapna Balram Medankar

..Petitioner

Vs.

**The Returning Officer, The Zilla Parishad
Panchayat Samiti, General Elections, 2017
Khed, Pune & Ors**

..Respondents

Mr. S. V. Sadavarte for the Petitioner

Mrs. V. S. Nimbalkar AGP for the Respondent Nos.1, 3 and 4

Ms D. S. Mondkar-Hule i/b Mr. S. B. Shetye for the Respondent No.2

CORAM : R. M. SAVANT, J.

DATE : 16th FEBRUARY, 2017

P.C.

1 The Writ Jurisdiction of this court is invoked against the order dated 14-2-2017 passed by the Learned District Judge-1 Khed, Pune, by which order the Election Appeal No.1 of 2017 filed by the Petitioner came to be dismissed and resultantly the order dated 7-2-2017 passed by the Returning Officer came to be confirmed.

2 The said order dated 7-2-2017 is passed by the Returning Officer rejecting the nomination of the Petitioner on the ground that the Petitioner pursuant to her earlier elections has not submitted the statement of account of the election expenses incurred by her as required by Section 15-B of the Maharashtra Zilla Parishad and Panchayat Samities Act 1961. In so far as the

said aspect is concerned, it seems that the Returning Officer had received a communication dated 1-2-2017 from the District Nodal Officer for the Zilla Parishad, Panchayat Samiti Elections 2017 informing him of the Gazette Notification dated 23-12-2014 and the Gazette Notification No.30-9-2016, which Gazette Notifications relate to the candidates who have been disqualified for the next five years. It is on the basis of the said communication dated 1-2-2017 that the Petitioner's nomination came to be rejected on the ground that she has not submitted the statement of election expenses. In terms of Rule 19 at the time of scrutiny the Returning Officer is obliged to conduct a summary inquiry which in the instant case can be said to have been done by the Returning Officer on the basis of the said communication dated 1-2-2017. The order passed by the Returning Officer as indicated above has been confirmed by the Appellate Authority i.e. the Learned District Judge by dismissing the Appeal. The said order is passed on 14-2-2017 i.e. day before yesterday though the speaking order is not made available to the Petitioner, the fact remains that the Appeal filed by the Petitioner has been dismissed. The voting is to take place on 21-2-2017. This is a case where the disqualification of the Petitioner is on the ground that the Petitioner had not submitted her statement of accounts of her election expenses in the earlier term on account of which she had stood disqualified and which has been Gazetted by the Election Commission.

3 In my view therefore, having regard to the aforesaid facts, no case for interference in the Writ Jurisdiction of this Court is made out, the Writ Petition is accordingly dismissed. However, it would be open for the Petitioner to adopt such proceedings as are available in law, in the event occasion so arises, after the elections are over. If such proceedings are filed, needless to state that the same would be decided on thier own merits and in accordance with law.

[R.M.SAVANT, J]