

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 24893 OF 2017

Kashmir Singh Kalher

.. Petitioner

vs.

The State of Maharashtra and ors.

.. Respondents

Mr. J.P. Kharge for the Petitioner.

Mrs. V.S. Nimbalkar, AGP for the Respondents - State.

CORAM : M. S. SONAK, J.

DATE : 6 SEPTEMBER 2017.

P.C. :-

- 1] Not on board. In view of urgency, taken on production board.
- 2] Learned counsel for the petitioner contends that in this case the elections are required to be held by secret ballot and not by raising of hands.
- 3] The petitioner has placed on record certain Rules and Regulations at page 22. Rule 15 indicates that the elections can be held by show of hands/secret ballot. At least, *prima facie* this means that there is an option to hold elections by either of methods.
- 4] Learned counsel for the petitioner, however, relies upon the document at page 28, which is totally illegible. He submits that as

per this document, Assistant Charity Commissioner has recorded his approval to a rule which requires the election has to be held by secrete ballot. As noted earlier, the document at Exhibit-28 is totally illegible.

5] In any case, the election process has already commenced and any interference at this stage, in all probability will derail the election schedule. The elections are scheduled to be held on 19th September 2017. If at this stage, the change of system is to be ordered, the same will involve printing of ballot papers and making further arrangements. Learned AGP submits that the elections are being held in accordance with rules and in any case, if elections are directed to be held by secret ballot, at this stage, it may not be possible to hold elections on 19th September 2017.

6] For the aforesaid reasons, this petition is not entertained. However, it is made clear that the issue as to whether elections in this case were required to be held by using of hands or by secret ballot, is kept open. The petitioner, if aggrieved, will therefore, have liberty to challenge the election process upon its conclusion before

the appropriate forum, on all grounds, including the grounds raised in this petition.

7] With liberty as aforesaid, this petition is dismissed. There shall, however, be no order as to costs.

(M. S. SONAK, J.)