

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 1130 OF 2017

Sou. Tai Dada Madkar and another

.....Petitioners

V/s.

The Maharashtra State Election Commissioner
and another

....Respondents

Mr. Vishwanath Talkute for the petitioner
Ms. Saily Pednekar i/b Mr. S. B. Shetye for respondent no. 1
Mr. A. P. Vanarase AGP for the State.

**CORAM : SMT. VASANTI A. NAIK
RIYAZ I. CHAGLA, JJ.**

DATE : OCTOBER 4, 2017.

P.C.

Not on board. Taken on board at 3.00 p.m. on production.

By this writ petition, the petitioner seeks a direction against the respondent no. 2 to accept the nomination forms of the petitioner for contesting the elections to Gram Panchayat Surwadi.

Mr. Vishwanath Takute, learned counsel for the petitioner submits that

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the last date of filing the nominations was 29/09/2017 and the candidates were required to fill the nomination forms-online. It is stated that on 29/09/2017, the server was down for a long time and though the time to file the nomination papers was extended from 4.30 p.m. to 6.30 p.m. on 29/09/2017, due to unavailability of the server, the nomination form of the petitioner could not be submitted online.

On the other hand, it is submitted on behalf of the respondents that the petitioner could have tendered the nomination form-online before 6.30 p.m. on 29/09/2017. The learned counsel for the respondents denied the case of the petitioner.

In the circumstances of the case, we are not inclined to interfere with the election process. The Hon'ble Apex Court and this Court have held in the judgments in the case of **Manda Jaganath Vs. K. S. Rathnam and Ors**¹ and **Umaji Manglu Borse Vs. Returning Officer, Nashik and Others**² that the High Court should not interfere with the election process at an intermediary

¹ [(2004) 7 SCC 492]

² [(2010) 1 Mh.L.J. 909]

stage. The date of scrutiny of the nomination papers was 03/10/2017 and since the scrutiny of the nomination papers is completed, a direction cannot be issued against the respondents to accept the nomination form of the petitioners. The reported judgment in the case of **Khushdil Aijaz Vs. J&K BOPEE and Ors** ³ and the unreported judgment of the Madras High Court cannot be applied to the facts of this case as they pertain to admissions and selection process.

In the circumstances of the case, the writ petition is dismissed with no order as to costs. The points raised in the petition are kept open.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]

³ [2016 (2) JKJ 737]