

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 28312 OF 2017

Sou. Sunita R. Devkate .. Petitioner
vs.
State of Maharashtra and ors. .. Respondents

Mr. Sandeep Koregave for the Petitioner.

CORAM : M. S. SONAK, J.
DATE : 05 OCTOBER 2017.

P.C. :-

1] Not on board. Taken on board as Mr. Koregave submits that this is a case of extreme urgency.

2] Heard Mr. Koregave, learned counsel for the petitioner.

3] Mr. Koregave submits that the petitioner's nomination to contest under the Women category (open) has already been rejected by the Returning Officer. He submits that the petitioner has also filled-in nomination to contest from the Women category (OBC). He submits that the petitioner has now given a letter to the Returning Officer that she does not wish to contest from Women category (OBC), but wishes to contest from Women category (Open). Mr.Koregave submits that on basis of this letter, it is likely that the petitioner's nomination from Women category (OBC) may also be rejected. He submits that the Returning Officer has not assigned any reason for rejecting the petitioner's nomination from Women category (Open). He submits that there are decisions of this Court where, this Court, has interfered at the stage of challenge to rejection of nomination paper. He submits that grave injustice will

occasion the petitioner, in case, this Court does not interfere, at this stage itself.

4] In this case, the election process is at quite an advanced stage. As yet, there is no rejection of the petitioner's nomination from Women category (OBC). The actual poll is scheduled on 16th October 2017. At this stage, therefore, it will not be appropriate to entertain the present petition. Any order in the present petition, is bound to derail the election process.

5] Upon conclusion of election process, the petitioner can always avail of remedies available under the law. There is no merit in the submission that there is no remedy available to the petitioner in case of illegal rejection of her nomination papers.

6] Only on the aforesaid ground, this petition is dismissed. There shall, however, be no order as to costs.

7] All contentions of the petitioner are therefore, kept open to be raised before the appropriate Forum and at the appropriate stage.

(M. S. SONAK, J.)