

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.807/2017

Sunil Gajananrao Lacharwar

..Vs..

Returning Officer / Authorized Officer

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Wathore, Adv. for the petitioner.

CORAM : Z.A.HAQ, J.

DATE : 7.2.2017.

This petition is circulated for urgent orders on request made by the learned Advocate for the petitioner. It was directed that the Advocate on the panel of Nagpur Municipal Corporation representing it before this Court be served with copy of the petition and he be informed that the petition is circulated for 2.30 p.m. Accordingly, Shri S.M. Puranik, Advocate accepted the copy and has put in appearance for the respondent.

The petitioner has challenged the order passed by the Returning Officer rejecting his nomination form on the ground that though the petitioner intends to contest the election from Prabhag 29 which is reserved for Other Backward Class candidate, the petitioner has not submitted the caste certificate and the proof to show that the caste claim is pending for validation before the Scrutiny Committee.

The contention of the petitioner is that he has applied to the Sub-Divisional Officer for grant of caste certificate, however, as the caste certificate is not issued

till the date of submitting the nomination form, the petitioner has submitted the copy of receipt issued by the office of Sub-Divisional Officer to show that the application made by the petitioner for issuance of caste certificate is pending with the competent Authority. It is the case of the petitioner that the earlier caste certificate was issued by the Sub-Divisional Officer on 29th November, 1996 showing that the petitioner belongs to “Shimpi” which is recognized as Other Backward Class in the State of Maharashtra, however, as this caste certificate was misplaced the petitioner again submitted an application to the Sub-Divisional Officer on 30th January, 2017 requesting that the caste certificate be issued to the petitioner. Except for the general statement that the caste certificate dated 29th November, 1996 was misplaced, the petitioner has not been able to substantiate why he has not taken appropriate steps earlier to obtain the caste certificate from the competent Authority. The provisions of Section 5B of the Maharashtra Municipal Corporations Act mandate that the proposed candidate should submit at least caste certificate alongwith the nomination form. I do not see any illegality in the impugned decision. The petition is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE