

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

WRIT PETITION NO. 3637/2017.

Kisan Tane Kasdekar

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND ROHIT B. DEO, JJ.

DATE : JUNE 16, 2017.

Heard Shri A.S. Sonare, learned Counsel
for the petitioner and Shri A.S. Fulzele, learned Acting
G.P. for respondent nos. 1 to 3 and 5.

2. Shri Sonare, learned counsel submits that
as the Society is of Scheduled Tribe candidate, O.B.C.
or S.C. persons cannot be members and cannot be
elected to its Executive Committee. The second
contention is, no nomination paper was received in
election process till 18.05.2017. On 19.05.2017, only
5 nomination papers, as published on 19.05.2017 were

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received, however, on 22.05.2017 with oblique motive name of respondent no.7 has been added to the final list of contesting candidates.

3. In view of these assertions, as polling (if any) was scheduled on 18.06.2017, we have considered the challenge expeditiously.

4. Learned Acting G.P. has today produced records. The said record prima facie show that respondent no.7 Kasdekar has submitted nomination paper on 18.05.2017 only. Petitioner has placed before this Court list of contesting candidates published on 19.05.2017, as per election program i.e. list of nomination papers received on 19.05.2017. Petitioner has not obtained any certificate from any authority to demonstrate that prior to 19.05.2017, no nomination paper was received. In this situation the contention that name of respondent no.7 has been added to final list of contesting candidate on 22.05.2017 appears to be unacceptable in this jurisdiction.

5. Similarly, in so far as the joining of members of other weaker section or their participation in election is concerned, the primary membership

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extended to them by the society was never questioned. When nomination papers were filed, no objection was raised by the petitioner before the returning officer and leave is being sought by moving an application for amendment to raise that contention.

6. As we find that several disputed questions arise in the matter, it is obvious that no cognizance can be taken in present jurisdiction. Accordingly with liberty to petitioner to approach appropriate forum for redressal of his grievance, we dispose of the present petition. No costs.

JUDGE

JUDGE

Rgd.