

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.763 OF 2017

Jaywant S/o Gangaram Gudadhe & another	Petitioners
Versus	
The State of Maharashtra and others	Respondents

Mr.R.R. Karpe advocate for the petitioners

Mr.S.N. Kendre, AGP for Respondent State

Mr. S.K. Kadam advocate for respondent No.6 & 49

Mr. Dilip Bankar Patil advocate for respondent Nos.31 & 32

Mr. c.K. Shinde advocate for respondent Nos.7 to 30

CORAM : **V.K. JADHAV,J**

(Date: January 29th, 2018)

PER COURT :-

1 Heard the counsel appearing for the parties.

2 By the order dated 17.3.2017, this Court has modified the earlier order dated 20.1.2017 to the extent that the counting of the votes cast by the members about whose eligibility, there is no dispute and by those members about whose entitlement, there is a dispute, be done by preparing two separate lists and submitting these two separate lists to this Court in envelope duly sealed under the authority of the returning officer.

3 Pursuant to the said directions, the Returning Officer has submitted the result sheets in two separate sealed envelopes i.e. envelope No.1, consisting of the result as per the votes cast by the members about whose eligibility, there is no dispute out of 352 members and envelope No.2 consisting of the result sheet of the votes cast by 42 members against whom dispute has been raised.

4 By order dated 30.11.2017, this Court has directed that sealed envelope No.1 which consists result sheet pertaining to the undisputed voters out of 352 voters be opened in presence of the candidates or their representatives and submit report about elections results however, not to declare the result officially. It has also been observed by this court that in case the result sheet kept in the second envelope is likely to affect the outcome of the election result, the matter will be considered in the light of said report submitted by the Returning Officer.

5 The Returning Officer has now submitted the results, as directed by this Court by covering letters dated 17th and 19th December, 2017 respectively.

6 After going through the said result and the report submitted by the Returning Officer, it appears that the outcome

of the election has not been affected by the result sheets kept in the second envelope except against only one candidate in OBC category. So far as the other candidates are concerned, even after counting the undisputed votes and considering the number of disputed votes, their election result would not be affected, in any manner.

7 In view of the result sheet and the letters submitted by the Returning Officer, learned counsel appearing for the Returning Officer submits that, the Returning Officer may be directed to declare the result. The counsel appearing for the other parties including the petitioners have no objection to declare such result on the basis of envelope No.1 alone.

8 In view of above submissions, the Returning Officer who is present in the Court, is hereby directed to declare the result as per the result sheet on the basis of sealed envelope No.1 alone. After declaration of result, nothing survives in the instant petition and therefore, it stands disposed of. All pending Civil applications are also disposed of.

(V.K. JADHAV, J)