

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

**WRIT PETITION NO. 7854 of 2018
WITH
CIVIL APPLICATION NO. 8968 of 2018
IN
WRIT PETITION NO. 7854 of 2018**

Leena W/o Navin Pawar
age 38 years occupation household
R/o Plot No. 3, Vivekanand Nagar, near Ramanand Nagar,
Jalgaon Taluka and District Jalgaon. **...Petitioner**

VERSUS

1. The State Election Commission
Maharashtra State,
New Administrative Building,
Hutatma Rajguru Chowk, Madam Kama road,
Mumbai,
through its Commissioner.
2. The Returning Officer,
Jalgaon City Municipal Corporation,
Jalgaon Taluka and District Jalgaon.

...Respondents

*Mr M.S. Deshmukh, Advocate, holding for Mr Bhausaheb S.
Deshmukh, Advocate for petitioner
Mr S.T. Shelke, Advocate for respondents No. 1 and 2
Mr M.S. Kulkarni, Advocate for intervenor.*

CORAM : SUNIL P. DESHMUKH, J.

DATE : 17th July, 2018

ORDER :

1. Heard learned counsel for the parties.

2. Petitioner contends that while she had submitted two different nomination forms for multi-member ward pursuant to instructions issued by Election Commission for Jalgaon City Municipal Corporation -2018, had withdrawn her nomination for independent candidature. The withdrawal had been communicated in writing and had been submitted to Returning Officer around 5.34 p.m. on the very day i.e. 12th July, 2018. Despite aforesaid, her independent candidature has been approved and her candidature as *Shivsena* party candidate has been refused to be accepted. He submits that all procedure as contemplated under instructions of Election Commission had been duly followed and, as such, refusal to validate her nomination as *Shivsena* party candidate has been erroneous. The exercise of option ought to have received its due.

3. On the other hand, learned counsel Mr Shelke appearing for respondents No. 1 and 2 submits that scrutiny of nomination forms had been long over before 5.34 p.m. It had already been completed around 3.05 p.m. and, as such, pursuant to instructions as were prevailing, decision had been taken. The nominations accordingly had been finalised and, as such, no fault can be found in the impugned order.

4. Upon this, learned counsel Mr Deshmukh appearing for

petitioner purports to submit that there is no indication as to any time fixed for scrutiny of nomination forms. There is no veracity in the claims being made about scrutiny of nomination forms.

5. Having regard to aforesaid position, it appears that there are quite a few disputed questions which can hardly be resolved in writ jurisdiction of this court. As such, request being made under the petition is difficult to be acceded to. The writ petition is not entertained, leaving open to petitioner to take up appropriate proceedings as may be available at appropriate stage.

**(SUNIL P. DESHMUKH)
JUDGE.**

Madkar