

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10544 OF 2018

ASHABAI BABASAHEB GHORPADE

VERSUS

THE RETURNING OFFICER AND ANOTHER

Advocate for Petitioner : Mr. H.V. Tungar.
Advocate for Respondent No. 1 : Mr. S.T. Shelke.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 18th September, 2018.

PER COURT :

1. The petitioner is aggrieved by the order dated of the returning officer dated 12th September, 2018, by which, the nomination form of respondent No. 2 has been accepted and she is permitted to contest the elections from a reserved category. Grievance is that the form of declaration required to be submitted indicating that the candidate belongs to the BCC(W) category, has not been signed by the said candidate. It is, therefore, stated that her nomination papers deserves to be rejected.

2. In my view, the caste certificate as well as the validity

certificate indicating the reserved category of respondent No. 2 has already been attached to the nomination paper. It, therefore, indicates that she belongs to a particular reserved category as her validity certificate is also on record. So also, in form A under annexure 1 of the nomination form, the said candidate had specifically mentioned that she is contesting the election from BCC(W), and the said declaration is signed by the said candidate.

3. Considering the submissions of the learned counsel for the petitioner, I have gone through the petition paper book. There is no dispute that the election program has been declared and the polling is scheduled on 26th September, 2018. In view of the law laid down by the Hon'ble Apex court in the matter of Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Another Versus State of Maharashtra and Others [(2001) 8 SCC 509], this Court should refrain from interfering in election matters which is likely to lead to either alteration in the election program or which might lead to the staying of the election.

4. Considering the above, I do not find that any interference can be made in the acceptance of the nomination form of

respondent No. 1. This petition being devoid of merit, is therefore,
dismissed.

(RAVINDRA V. GHUGE, J.)

S.P.C.