

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO. 11913 OF 2018

SUMANBAI LAXMAN GADDEWAD
VERSUS
THE STATE COOPERATIVE ELECTION AUTHORITY

...
Advocate for Petitioner : Shri Vibhute Sunil M.
AGP for Respondents: Shri Bhagat N.T.
Advocate for Respondents 1 & 2 : Shri Kadam S.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 24, 2018

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PER COURT :-

1. The petitioner is aggrieved by the order dated 8.10.2018, passed by the Returning Officer, by which, his nomination form has been rejected as a Tribe Validity Certificate is not produced, keeping in view that she intends to contest the election to a position which is reserved for the Schedule Tribe. The order dated 19.10.2018 passed by the appellate authority, which is respondent No.2 herein, is also impugned.

2. The description of respondent No.2 be corrected as "District Collector, Nanded-cum-District Cooperative Election Officer (APMC)". Correction be carried out forthwith.

3. Shri Kadam, learned Advocate appearing on behalf of both the respondents points out Rule 21(3) of the APMC (Election to Committee)

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Rules, 2017, which are introduced on 18.12.2017, to support the impugned order. I find from the said Rule that a candidate contesting the elections to a reserved seat shall not be deemed to be qualified to be chosen to fill in that seat unless his nomination papers contain a declaration specifying the particulars of his caste / tribe and are accompanied by a self attested copy of the caste certificate and the caste validity certificate issued by the competent authority.

4. Shri Kadam further submits that in the case of a candidate belonging to a particular tribe, the wordings in Rule 21(3) would read as “Tribe Validity Certificate” in place of Caste Validity Certificate.

5. In the light of the above, I do not find that the impugned orders could be termed as being perverse or erroneous. This petition is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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