

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

WRIT PETITION NO.12881 OF 2018

Sandip Suresh Patole ... Petitioner

Versus

The State Election Commission & others ... Respondents

Mr.P.D. Bachate, Advocate for the Petitioner.

Mr.S.T. Shelke, Advocate for Respondents no. 1 and 2.

Mr. A.S. Sawant, Advocate for Respondent no. 3.

Coram : N.M. Jamdar, J.

Date : 26 November 2018.

Oral Order :

1. By this petition, the petitioner has challenged acceptance of nomination paper of Respondent No.4-candidate. The contention of the petitioner is that respondent-candidate is disqualified in view of the fact that he has given birth to a child after the cut off date.

2. It is not possible to decide this factual position in writ jurisdiction especially when the petitioner has remedy of filing election petition where all issues of facts can be decided by leading evidence.

3. In view of above position, writ petition is rejected.

N.M. Jamdar, J.