

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

WRIT PETITION NO. 11449 OF 2019

SAYYAD NAZIRSAB HAJISAB
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Nagargoje Ankush N.

AGP for Respondents No. 1 & 2 :

Mr. P. K. Lakhotiya

Advocate for Respondent No. 3 :

Mr. U. B. Bilolikar

...

**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 28th NOVEMBER, 2019

PER COURT:

1. The petitioner is challenging the ordinance. The challenge to the ordinance now would not survive. The same is already considered by this Court in *Writ Petition No. 12217 of 2018 with connected writ petition dated 18.10.2019* to which one of us (*S. V. Gangapurwala, J.*) was a party.

2. Mr. Nagargoje, learned counsel for the petitioner submits that the elections were held on 11.10.2017. The respondent secured validity on

06.08.2018, however did not submit it. In view of the ordinance he stood disqualified. The second ordinance dated 14.02.2019 would not enure to the benefit of the respondent.

3. The learned counsel for respondent no. 3 submits that on 20.02.2019, the validity has been submitted by respondent no. 3 to the Tahsildar, Biloli.

4. The ordinance dated 14.02.2019 would enure to the benefit of the respondent. Even if the candidate stood disqualified for non submission of validity as per the enactment, however as per the ordinance dated 14.02.2019, the protection is granted to such candidate unless the elections has been held of the post the said candidate was occupying or election programme has been declared for the same. In the present case, no such contingency has arisen. The said aspect has been considered by us in case of ***Padmakar Manoharrao Ugile Vs. The State of Maharashtra and others (Writ Petition No. 9741 of 2019) dated 22.11.2019***

to which one of us (*S. V. Gangapurwala, J.*) was a party.

5. In the light of that, the petitioner does not have case on merits.

6. Writ Petition stands disposed of accordingly.
No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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