

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

947 WRIT PETITION NO.4449 OF 2014

SHAIKH MAJIT SARDAR
VERSUS
ELECTION COMMISSION OF INDIA AND OTHERS

...
Advocate for Petitioner : Mr. Sachin S. Deshmukh
Advocate for Respondent 1 : Mr. S.T. Shelke
...

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**
DATED : 23/01/2019

ORDER :

1. The petition is filed for giving direction to respondents which includes Election Commission of India to see that the list of advocates prepared by the Bar Council of Maharashtra is used for preparing the list of voters by Election Commission for Graduate Constituency of Maharashtra Legislative Council. Heard the learned counsel for petitioner.

2. The learned counsel for petitioner submitted that Bar Council, being a statutory body, the list prepared by the advocates can be considered as the list of graduates and that list needs to be used for preparing electoral roll by the Election Commission for aforesaid constituency. This submission is not at

all acceptable. The elections to the aforesaid constituency are covered by the Representation of People Act, 1950. The provisions of the said Act and the Rules framed for preparation of the voters list viz. Registration of Electors Rules, 1960 show that only Election Commission is entitled to prepare the electoral roll of the aforesaid graduate constituency. It is expected to follow the procedure given under the regulations. Though Bar Council of Maharashtra is a statutory body, the purpose of creation of that body is different and it cannot become a part of the Election Commission and its list cannot be imposed on Election Commission. No person can be compulsorily made voter and procedure which is required to be followed for enrolling a person as voter in electoral roll needs to be followed. In view of these circumstances, this Court holds that no relief can be granted to the petitioner. In the result, the petition stands dismissed.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

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