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

PUBLIC INTEREST LITIGATION NO.121 OF 2019

Suhas Manohar Wankhede,
Age: 31 years,
Father's name: Manohar Tuljaramji Wankhede,
Occu: Researcher at Dr. Babasaheb Ambedkar
Marathwada University,
Address: N-4/E-61, CIDCO,
Aurangabad-431003

..PETITIONER

VERSUS

1. State Election Commission,
Mantralaya, through
Election Returning Officer cum
District Collector,
19-Aurangabad, Parliamentary
Constituency,
Central Administration Building,
Fazalpur, Aurangabad - 431001
2. Chief Electoral Officer, Maharashtra,
General Administration Department,
6th Floor, Annex Building,
Madam Cama Marg,
Hutatma Rajguru Chowk, Mantralaya,
Mumbai – 400 032
3. Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi – 110001

..RESPONDENTS

Petitioner : Party in person
Mr A. B. Kadethankar, Advocate for respondent No.1;
Mr Alok Sharma, Advocate for respondent Nos.2 and 3

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 14th October, 2019

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ORAL ORDER:

On considering the issue raised in the present public interest litigation, namely, the direction to the respondents-authorities to take effective steps for general public awareness in regard to the option available to the voters to the 'NOTA' (None Of The Above), notice was issued to the respondents. In response to the notice, Mr Kadethankar, learned Counsel appearing on behalf of respondent No.1 submitted that the necessary steps so as to make the public general aware of the option 'NOTA' are already taken and there is a large circulation of the availability of this option by various modes. He placed on record the compilation of the various communications issued by the State Election Commission, which are taken on record and marked 'X' for identification.

2. The petitioner in the present public interest litigation sought for direction in view of the judgment of the Honourable the Apex Court in the case of **People's Union for Civil Liberties and anr. Vs. Union of India & anr.**

3. Bare perusal of the communications shows that the State Election Commission specifically referred to the judgment and order of the Honourable the Apex Court in the very case i.e. People's Union for Civil Liberties and ors. Vs. Union of India & anr. Mr Kadethankar,

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learned Counsel for respondent No.1 submitted that the State Election Commission had taken the steps in all ensuing elections including the elections of Municipal Corporations, Zilla Parishads, Panchayat Samitis, Nagar Parishads, Nagar Panchayats and Gram Panchayats, etc.

4. Perusal of the order dated 12th November, 2013, issued by the State Election Commission refers to the option of the 'NOTA' to be made available to the voters and also the modalities and the procedures. This order also refers to the option being made available in the language in which the name of the candidates are published on the ballot paper. It also takes care of the visibility of the option by making assured that the font size of the option 'NOTA' being equal with the font size of the name of the candidates published on the ballot paper. This order takes care of counting all the votes by exercising the option of 'NOTA'. The annexure-1 to the said order is the proforma ballot paper, wherein we could find the 'NOTA' option in all the proforma ballot papers for elections of Corporations, Zilla Parishads, Panchayat Samitis, Nagar Parishads, Nagar Panchayats and Gram Panchayats. The compilation of the documents also refers to a documentary being prepared by the State Election Commission and availability of the said documentary on the website of the State Election Commission, namely, "www.mahasec.com. Then there is also an additional order passed by the State Election Commission on

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26th November, 2013, whereby the directions are issued to the Election Officers so as to take appropriate care in the process of elections by making aware the voters of the option 'NOTA'.

5. Considering the aforesaid communications, this Court is satisfied and we are of the opinion that respondent No.1 - State Election Commission had taken on its own as well as in view of the directions of respondent No.3 - Election Commission of India, sufficient steps for making aware the voters the availability of the option 'NOTA'.

6. In view above, as the grievance of the petitioner is not only addressed to but is duly redressed, the purpose for approaching this Court is duly served. As such, the present public interest litigation is disposed of accordingly.

(AVINASH G. GHAROTE, J.) (PRASANNA B. VARALE, J.)

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