

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10847 OF 2019

Yashwant Namdev Mule ... Petitioner

V/s.

The State of Maharashtra and ors. ... Respondents

Mr.Kishore Patil with Mr.Dilip B.Shinde for the Petitioner.
Ms.Sarika Shetye i/by S.B.Shetye for Respondent
No.2(S.E.C.)

Mr.P.V.N.Rajan, AGP for Respondent Nos.1 and 3.

**CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 07, 2019.**

P.C.:-

1. Heard Mr. Kishore Patil, learned counsel for the petitioner, Mr. P.V.Nelson Rajan, learned AGP, Maharashtra and Ms.Sarika Shetye, learned counsel for Respondent No.2.
2. This petition challenges rejection of nomination of the petitioner dated 5th October, 2019.
3. According to the petitioner, he had filed his nomination paper as a candidate for the 189 Karjat

Legislative Assembly Constituency in the State of Maharashtra for the ensuing assembly elections to be held on October 21, 2019. Scrutiny of nomination took place on 4th October, 2019. However, the Returning Officer – respondent No.4 by a cryptic order dated 5th October, 2019 rejected the nomination paper of the petitioner on the ground that he had not filled up the columns in the supporting affidavit filed alongwith the nomination.

4. Learned counsel for the petitioner has referred to the said affidavit and has contended that contrary to the impugned order, all the columns were filled up. There was total non-application of mind on the part of the Returning Officer in rejecting the nomination paper of the petitioner. He has also referred to Section 36(4) of the Representation of the People Act, 1951 to contend that the Returning Officer shall have no authority to reject a nomination paper on the ground of any defect which is not of a substantial character. Therefore, he contends that the rejection order be set aside and respondents be directed to accept the nomination of the

petitioner as a valid one.

5. Acceptance or rejection of nomination paper is a part of the broader electoral process, which is initiated by the issuance of the election notification. Once election process is under way, interference by the court should be avoided. Petitioner has got an adequate and efficacious statutory remedy to file election petition under Section 80 of the aforesaid Act, which he may avail once the electoral process is over.

6. In the light of the above, court finds no justification to entertain the writ petition at this stage.

7. Relief sought for is accordingly declined.

8. Petition is dismissed.

(UJJAL BHUYAN, J.)

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