

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

WRIT PETITION NO.11041 OF 2019

Shri Tanaji Appaso Ruikar and anr. ... Petitioners

V/s.

Shri Sanjay Patil and anr. ... Respondents

Mr.Kuldeep Patil i/by Ms.Saili N. Dhuru for the
Petitioners.

Mr.M.L.Patil for Respondent No.2.

**CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 18, 2019.**

P.C.:-

Not on board. Taken on board.

1. Heard Mr.Kuldeep Patil, learned counsel for the petitioners and Mr.M.L.Patil, learned counsel for respondent No.2.

2. Respondent No.2 had filed nomination to contest the Maharashtra Legislative Assembly election scheduled to be held on 21st October, 2019 from the constituency of Miraj (SC). In this connection, he filed nomination paper before respondent No.2, which was objected to by the

petitioners on the ground that in the affidavit there was wrong disclosure of the educational qualification of respondent No.1. However, by order dated 5th October, 2019, the Returning Officer i.e. respondent No.1 rejected the objection filed by the petitioners.

3. Against such rejection, present writ petition has been filed.

4. It is settled legal proposition that once an election process is set in motion by issuance of the election notification, there should be no interference in the electoral process save and except, by way of an election petition provided under Section 80 of the Representation of People Act, 1951 after the electoral process is over.

5. It is also the settled legal proposition that acceptance or rejection of nomination paper of a candidate is a part of the electoral process.

6. Therefore, petitioners can challenge acceptance of nomination of respondent No.1 by respondent No.2 in an Election Petition once the electoral process is over.

7. Therefore, court is not inclined to interfere with the matter at this stage.

8. Subject to the above, Writ Petition is dismissed.

(UJJAL BHUYAN, J.)

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