

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2162 OF 2019

Vandana w/o Charandas Kilnake

-vs-

State of Maharashtra and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. M. Ahirrao, Advocate for petitioner.
Ms Sangita Jachak, AGP for respondents.

CORAM : A.S.CHANDURKAR, J.

DATE : March 15, 2019

Heard.

The petitioner has challenged the rejection of her nomination form for contesting the elections to the post of Sarpanch, Grampachayat Pipri, Tahsil Hinganghat, District Wardha. The reason for rejection of the nomination form is that her name was not found entered in the voters' list of the concerned area.

2. Shri R. M. Ahirrao, learned counsel for the petitioner submitted that initially the name of the petitioner was included in the voters' list at Palaskheda. Pursuant to an application made by the petitioner, on 13/02/2019, a certificate was issued by the concerned Election Officer that the form for including her name in the voters' list of Ward No.312 Mouza Pipri was accepted. Referring to the

Maharashtra Village Panchayats Election Rules as well as provisions of the Representation of the People Act, 1950 it is submitted that the inclusion of the petitioner's name in the voters' list to be treated as having been done on 13/02/2019 which was before the cut-off date. Reference is also made to the communication dated 27/02/2019 issued by the Tahsildar in that regard. It is thus submitted that the nomination form of the petitioner has been wrongly rejected.

3. On the other hand Ms S. Jachak, learned Assistant Government Pleader for the respondents produced the relevant records as well as communication dated 11/02/2019 issued by the State Election Commission. As per the schedule stated therein, the voters' list as on 31/01/2019 with regard to the State Assembly was to be applied for the ensuing Panchayat elections. A provisional voters' list was to be published on 14/02/2019 and objections were to be raised by 18/02/2019. The final voters' list was to be published on 22/02/2019. It is submitted that the petitioner did not raise any objection to the provisional voters' list as regards non-inclusion of her name and hence the nomination form was rightly rejected.

4. On hearing the learned counsel for the parties it is seen that though the concerned Election Officer has issued a communication

dated 13/02/2019 indicating inclusion of her name at Ward No.312, Mouza Pipri, it is not shown that the petitioner has raised any objection to the provisional voters' list in which her name was not found initially. The application dated 13/02/2019 is shown to have been accepted by the Voters' Registration Officer on 26/02/2019 which is after publication of the final voters' list. It is thus clear that on the date of scrutiny, there was nothing on record to indicate that the petitioner's name was included in the voters' list for Grampanchayat Pipri.

Thus by taking this prima facie view and keeping the challenges as sought to be raised open in case the remedy of election petition is availed, the writ petition stands dismissed with no order as to costs.

JUDGE