

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

Writ Petition No. 120/2021

Sunita Sanjay Rathod Vs. State Election Commission Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.A. Kadu, Advocate for the petitioner
Mr. J.B. Kasat, Advocate for the respondent No.1

CORAM : MANISH PITALE, J.

DATED : JANUARY 04, 2021

Heard learned counsel for the petitioner. She is aggrieved by rejection of her objection to the acceptance of nomination paper of respondent No.3. According to the petitioner, the respondent No.3 attracted dis-qualification under Section 14(1)(j-1) of the Maharashtra Village Panchayat Act, 1959, as she had three children at the time when she was filing the nomination paper for the election as ward member of the grampanchayat. According to the petitioner, she had placed on record documents to show that there were indeed three children born to respondent No.3 thereby attracting dis-qualification.

2. The respondent No.2 – Returning Officer has passed the impugned order holding that the documents on record, some of which were hand

written copies were not enough to accept the objection raised on behalf of the petitioner.

3. This Court has perused the Writ Petition and the documents filed therewith. Considering the nature of enquiry expected from the respondent No.2 – Returning Officer at the stage of consideration of objections and serious disputed questions of facts involved, this Court is of the opinion that it would not be appropriate to attribute any error to the respondent No.2 in passing the impugned order.

4. Hence, the Writ Petition is dismissed.

5. Nevertheless, it is made clear that the petitioner would be at liberty to raise the aforesaid ground in a properly instituted Election Petition or dispute under the relevant provisions of the aforesaid Act, if so advised.

JUDGE