

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

WRIT PETITION NO.8536 OF 2019

(Smt. Imarta Santosh Katare Vs. Election Officer and Deputy Collector (Land Acquisition), Zilla Parishad, Nagpur)

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

Court's or Judge's orders.

Shri B.K. Shende, Advocate for Petitioner.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 3rd JANUARY, 2020.

1] The petitioner is aggrieved by the rejection of his nomination form by the Returning Officer on the ground that he has not submitted his caste validity certificate along with his nomination form. He submits that the requirement under the law applicable for the Zilla Parishad and Panchayat Samiti Election is that a claim for validity of the caste or tribe certificate has to be pending and an undertaking has to be given that such a caste validity certificate would be produced within six months or twelve months, as the case may be, from the date of the election.

2] I find that the last date for filing the nomination forms was 23.12.2019. The scrutiny of the nomination forms was to be concluded on or before 24.12.2019. The allotment of symbols was to take place on 31.12.2019 and the polling is now scheduled on 07.01.2020. In the light of this fact situation, the law laid down by the Hon'ble Apex Court in the case of ***Shri Sant Sadguru Janardan Swami v.***

State of Maharashtra and others reported in *(2001) 8 SCC 509* would be applicable and this Court therefore, cannot cause any interference in this matter.

3] The petition is therefore, disposed off keeping open the remedy of preferring an election petition by the petitioner as is permissible in law.

(Ravindra V. Ghuge, J.)