

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

906 WRIT PETITION NO. 6 OF 2021

**PRANITA ANIL SHINDE
VS
THE COMMISSIONER AND OTHERS**

Mr. A. S.Anerao, Advocate for the petitioner
Mr. A. B. Kadethankar, Standing counsel for respondent No. 1
Mr. R. D.Sanap, AGP for the respondent Nos. 2 to 5

CORAM : RAVINDRA V. GHUGE, J.

DATE : 02-01-2021

P. C.

1. By this petition, the petitioner seeks to challenge the order of rejection of her nomination form passed by the Returning Officer on the ground that she has not filed an affidavit to indicate her marital name which is already included in the voters list.

2. I have considered the strenuous submissions of the learned counsel for the respective parties and have gone through the petition paper book. With their assistance, I have perused the affidavit of the petitioner which is dated 24-12-2020, and I have also perused her application submitted to the Returning Officer on 31-12-2020, at 05.58 pm which was much prior to the rejection of her nomination form at 07.19 pm on 31-12-2020.

3. It is obvious that the Returning Officer has not applied his mind and has failed to discharge the duty as required under Rule-11 (2A) of the Maharashtra Village Panchayats Act, 1959 which permits the candidate to correct a minor defect. The affidavit stating the change of name owing to her marriage is dated 24-12-2020, and the petitioner has presented her application to the Returning Officer at 05.58 pm on 31-12-2020 prior to the rejection of her nomination form.

4. In view of above, this petition is allowed. The impugned order of rejection dated 31-12-2020 is set aside and the petitioner is directed to place the affidavit at page 32 and 33 of the petition paper book before the Returning Officer on or before 12.00 noon on 04-01-2021. On compliance of this direction, she shall be permitted to contest the election as the finalization of the candidates for election is scheduled at 03.00 pm on 04-01-2021.

5. Since the order has been dictated in the open court, the parties need not wait for the order to be uploaded on the official website of Bombay High court.

[RAVINDRA V. GHUGE, J.]