

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.21 OF 2021

CHAUTRABAI MANOHAR WADJE
VERSUS
RETURNING OFFICER MASALGA AND OTHERS

**WITH
CIVIL APPLICATION STAMP NO.1114 OF 2021**

SINDHUTAI W/O ANURUTH WADJE AND ANOTHER
VERSUS
RETURNING OFFICER MASALGA, TAL.KANDHAR AND ANOTHER

Mr.P.G.Godhamgaonkar h/f Mr.M.D.Godhamgaonkar, Advocate for the petitioner.
Mr.S.B.Pulkundwar, AGP for respondent Nos. 1 and 3.
Mr.A.B.Kadethankar, Standing Counsel for State Election Commission/respondent No.2.
Mr.M.D.Narwadkar, Advocate for the intervenor.

**(CORAM : RAVINDRA V. GHUGE, J.)
VACATION COURT**

DATE : 02/01/2021

PER COURT :

1. Leave to add the original objector as respondent No.4. Addition be carried out forthwith. Civil application Stamp No.1114/2021 for intervention, therefore, stands allowed.

2. The impugned order of rejection of the petitioner's nomination form is completely silent. No reason is assigned. The time has come to recommend disciplinary action against such Returning OfficerS who do not apply their mind at the time of scrutiny.

3. Though Shri Narwadkar has strenuously opposed this petition, I find from the nomination form that the petitioner has clearly declared that she has not been convicted and no criminal offences are registered against her, in as much as, she has tendered minute details of her movable and immovable assets running into 4 pages. The Returning Officer could have permitted her to sign below page No.14 of the nomination form keeping in view that the petitioner inadvertently did not sign only at one place and the nomination form, otherwise is complete in all respects. The Returning Officer has overlooked the mandate of Rule 11(2-A) of the Bombay Village Panchayats Election Rules, 1959, enabling curing of minor defects.

4. As such, by recording my displeasure as regards the conduct of the Returning Officer, this petition is allowed. The impugned order is quashed and set aside. The petitioner is directed to put her signature

on page No.14 of the nomination form, on or before 12.00 noon on 04/01/2021, considering that the date for finalizing the contesting candidates' list is upto 3.00 p.m. on 04/01/2021.

5. Since the order is dictated in open Court, parties need not delay the matter on account of non-availability of the uploaded copy.

(RAVINDRA V. GHUGE, J.)