

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO.24 OF 2021

SHIVNANDA DNYANOBA JAHANE
VERSUS
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. A. N. Nagargoje & Mr. B. N. Magar
AGP for Respondent Nos. 1 to 3: Mr. B. V. Virdhe
Standing counsel Respondent Nos.4 & 5: Mr. A. B. Kadethankar

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

DATE : 02.01.2021

PER COURT :

1. The only reason for rejection of the petitioner's nomination form is that she should have submitted her educational qualification certificate at the time of scrutiny as she was born after 01.01.1995 and needs to have passed the 7th standard.

2. I have considered the strenuous submissions of the learned counsel on behalf of the respective sides and have perused the petition paper book with their assistance.

3. It is apparent that the petitioner did not realize that she has to file a proof of having passed her 7th standard along with the

nomination form, as she is born on/after 01.01.1995. The Returning Officer has rejected her nomination form on 31.12.2020 at 01.35 p.m. Immediately, the petitioner tendered an application at 2.25 hours and submitted her school leaving certificate indicating that she had left the school in the 10th standard on 31.03.2013. The said certificate also indicates that she passed the S.S.C. examination held in March-April 2013. The Returning Officer has written his remark on the said document that it was submitted after rejection of her scrutiny form.

4. The standing counsel for the Returning Officer, on the basis of the record, cannot indicate as to whether the Returning Officer complied with the requirement of Rule 11 (2-A) of the Bombay Village Panchayat Election Rules, 1959, by which minor curable defects are to be cured during the scrutiny process. As such, it is obvious that the minor deficiency about the petitioner's educational qualification was already cured at 2.25 p.m. on 31.03.2020.

5. In view of the above, this petition is allowed. The impugned order is set aside. As the education proof is already tendered to the Returning Officer, the nomination form of the petitioner stands accepted.

(RAVINDRA V. GHUGE, J.)