

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

**WRIT PETITION NO. 18 OF 2021**

Sangita Govind Baywad,  
Age 31 years, Occ. Household,  
R/o. Parwa, Post Shekhrajur,  
Tq. Palam, Dist. Parbhani.

... **Petitioner.**

VERSUS.

- 1) The State of Maharashtra.
- 2) The Collector, Parbhani, Dist.  
Parbhani.
- 3) Returning Officer,  
Grampanchayat Parwa,  
Tq. Palam, Dist. Parbhani.
- 4) The State Election Commission,  
Through State Election Commissioner,  
Madam Kama Road, Mumbai.
- 5) Deputy Director (R)/Member Secretary,  
Scheduled Tribe Certificate Verification  
Committee, Aurangabad Division,  
Aurangabad.

... **Respondents.**

...

Advocate for the Petitioner : Mr. Gangakhedkar Shailendra S.  
A.G.P. for the Respondents No. 1 & 2 : Mr. S.B. Pulkundwar.  
Advocate for the Respondents No. 3 to 5 : Mr. A.B. Kadethankar.

**CORAM : MANGESH S. PATIL, J.**

**DATE : 04.01.2021.**

**ORAL JUDGMENT :**

Heard. Rule. The Rule is made returnable forthwith. With the consent of both the sides the matter is heard finally at the stage of admission.

2. Nomination of the petitioner for the post reserved for Scheduled Tribe category has been rejected by the Election Officer by the impugned order on the ground that the acknowledgment tendered by the petitioner to demonstrate that her proposal was pending before the concerned committee for scrutiny of the tribe certificate was not proper in as much as it was addressed to some different

committee.

3. On instructions the learned A.G.P makes a statement that the proposal of the petitioner for scrutinizing the tribe certificate is pending before respondent No. 5.

4. It is the case of the petitioner that in fact her proposal has been pending with the respondent No. 5 since the year 2015. Only error committed by her was not to file the concerned acknowledgment. Instead she chose to file another application for tribe verification and produced a fresh acknowledgment.

5. Though technically the petitioner has committed an error in not producing acknowledgment regarding her proposal pending with the concerned Tribe Scrutiny Committee since the year 2015 and instead chose to make a fresh proposal, in my considered view when apparently the proposal of the petitioner is pending with the concerned committee and even this Court had earlier passed an order in her Writ Petition No. 1764/2016 directing the concerned committee to decide it finally within stipulated time, it would be too technical to reject her nomination for this reason.

6. The Writ Petition is allowed. The impugned order is quashed and set aside. The Returning Officer shall accept the nomination of the petitioner.

7. The learned advocate Mr. Kadethankar for the Election Commission as well as the learned advocate for the petitioner are instructed to communicate this order to the Returning Officer. The petitioner shall file affidavit before the Returning Officer to this effect.

8. The Returning Officer shall proceed to act on the basis of the affidavit to be tendered by the petitioner.

9. The rule is accordingly made absolute in above terms.

**(MANGESH S. PATIL, J.)**

mkd/-