

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

923 WRIT PETITION NO.23 OF 2021

VAISHALI SANDEEP PAYAL ALIAS VAISHALI ASHOK BANSODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Jadhavar Aashish T
AGP for Respondent Nos. 1, 3: Mr. R.D. Sanap
Standing counsel Respondent Nos.2 and 4: Mr. A B Kadethankar

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

DATE : 02.01.2021

PER COURT :

1. By this petition, the petitioner has challenged the rejection of her nomination form on two grounds viz. that evidence of having passed the 7th standard and evidence/affidavit as regards change of name on account of marriage, have not been filed.

2. The learned advocate placed his reliance on a school certificate and an affidavit explaining the change in name, which have been placed on record.

3. The learned counsel appearing on behalf of respondent Nos. 2, 3 and 4 submits that at the time of scrutiny, no such documents was available.

4. On perusal of the affidavit explaining the change of name, I find that the petitioner has got the affidavit sworn on 31.12.2020. The notary has not mentioned the time at which the affidavit was sworn on the said date. The possibility cannot be ruled out that the petitioner has approached the notary after the rejection of her nomination form, to get the affidavit prepared. There is no evidence that the affidavit was tendered to the Returning Officer except, that one application was filed on 31.12.2020, wherein the petitioner mentioned, that as there is no complaint about her nomination form, she is willing to produce the documents if called upon at the time of scrutiny. The record does not indicate that she was equipped with these documents and that she tendered it to the Returning Officer before he could reject the nomination which was the last day for scrutiny.

5. In view of the above, this petition is dismissed.

(RAVINDRA V. GHUGE, J.)

Sameer