

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12 OF 2021

VISHAKHA DNYANESHWAR KOKATE
VERSUS
THE STATE OF MAHARASHTRA THR ITS PRINCIPAL SECRETARY
AND OTHERS

Mr.S.S.Thombre, Advocate for the petitioner.
Mr.R.D.Sanap, AGP for respondent Nos.1, 3 to 5.
Mr.A.B.Kadethankar, Standing Counsel for State Election
Commission/respondent No.2.

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

DATE : 02/01/2021

PER COURT :

1. The only reason for rejection of nomination form of the petitioner is that she had not tendered proof of having passed her 7th standard exam. alongwith the nomination form.

2. It is apparent from the record that the Returning Officer failed to notice his obligation u/s 11(2)(A) of the Bombay Village Panchayats Election Rules, 1959, which enables a candidate to cure a minor defect in between 48 hours allotted for scrutiny of nomination forms. The Returning Officer has straight away passed the impugned order without giving such an opportunity

to the petitioner who has passed her 10th standard/SSC in 2015. The learned Advocate for the Returning Officer cannot dispute this position on the basis of the record.

3. In view of the above, since the finalization of the list of contesting candidates is to be completed at 3.00 p.m. on 04/01/2021, this petition is allowed and the petitioner is directed to tender her school leaving certificate, annexure "D" to respondent No.5 on or before 12.00 noon on 04/01/2021. The impugned order, therefore, stands set aside and the nomination form of the petitioner shall be accepted subject to the compliance of the above directions.

(RAVINDRA V. GHUGE, J.)