

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

929 WRIT PETITION NO.29 OF 2021

**ASHOK KASHINATH KOTHAVLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Shembole Gajanan S.
AGP for Respondent Nos. 1 & 2: Mr. R.D. Sanap
Standing counsel for Respondent Nos.3 & 4: Mr. A. B. Kadethankar
...

**CORAM : RAVINDRA V. GHUGE, J.
(VACATION COURT)
DATE : 02.01.2021**

PER COURT :

1. The petitioner is aggrieved by the disqualification of his nomination form only on the ground that in the entire bunch of nomination papers, he has not signed at one place.
2. I have heard the strenuous submissions of the learned counsel on behalf of all the parties.
3. Rule 11 (2A) of the Bombay Village Panchayat Election Rules, 1959 restrains the Returning Officer from rejecting a nomination form on the ground of a defect which is not of a substantial character and is curable during the scrutiny of such papers. The standing counsel

appearing on behalf of the Election Commission submits that excluding this one deficiency, the nomination form is complete in all respects.

4. The date for finalizing the list of contesting candidates is at 3.00 p.m. on 04.01.2021.

5. In view of the above, this petition is allowed. The impugned order is quashed and set aside. The petitioner shall put his signature on the declaration form which is a part of the nomination papers, before the Returning Officer, on/before 12.00 Noon, 04.01.2021. On compliance of this direction, the nomination form shall be accepted.

(RAVINDRA V. GHUGE, J.)

Sameer