

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

974 WRIT PETITION NO. 117 OF 2021

**BAYANABAI VAIJNATH MAINALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner: Mr. Venjane Tukaram M.
AGP for Respondents/State: Mr. K. B. Jadhavar
Standing Counsel for Respondent No. 2:
Mr. A. B. Kadethankar

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 08th JANUARY, 2021

PER COURT:

1. Mr. Venjane, learned Counsel for the petitioner submits that the petitioner had filled in the nomination form for the election as a member of the Grampanchayat for the post reserved for General (Women) category, however, the name of the petitioner appears as a candidate from General category, the same is illegal. In the nomination form also, the petitioner has clearly stated that the petitioner is contesting the election for the post reserved for General (Women) category. The learned Counsel further submits that even name of

the petitioner was shown in the list of candidates to contest the election from General (Women) category. However, in the final list of contesting candidates the name of the petitioner is shown in General category, the same is illegal. The learned Counsel further submits that the petitioner was guided by the notification under Rule 5(1) of the Rules framed under Bombay Village Panchayat Act.

2. Mr. Kadethankar, the learned Counsel submits that the petitioner had filled in the form for Ward No. 3(C), "C" is meant for General category. It is Ward No. 3(B) meant for General (Women) category. The petitioner has filled in the form for Ward No. 3(C). The declaration also states that the petitioner has contesting from Ward No. 3(C). As such, the petitioner is rightly shown to contest from General category.

3. We have considered the submissions canvassed by the learned Counsel for respective parties.

4. We find that, on the face of it the petition does not merit consideration. The petitioner had filled in the form from Ward No. 3(C). The declaration given by the petitioner along with the form also states that the petitioner is contesting election from Ward No. 3(C). The receipt issued by the Election Officer accepting the form also states that the petitioner is contesting the election from Ward No. 3(C) meant for General category. The name of the petitioner is appearing as a contesting candidate from Ward No. 3(C) meant for General category. The information was already furnished by the Returning Officer that Ward No. 3(A) is meant for S.C.(Women), Ward No. 3(B) is meant for General (Women) and Ward No. 3(C) is meant for General. The petitioner in no uncertain words represented that the petitioner is contesting from Ward 3(C).

5. In light of the above, no case for interference.

6. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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