

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

**CIVIL APPLICATION NO.368 OF 2021
IN
WRIT PETITION NO.237 OF 2021**

**GAUTTAM SAKHARAM SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for applicant : N.R.Pawade
Advocate Mr.R.J.Nirmal for Intervener
A.G.P Mrs.D.S.Jape for respondent no.1 & 2
Standing Counsel Mr.A.B.Kadethankar for Respondent nos.3 & 4
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**CORAM : MANGESH S. PATIL, J.
DATE : 08.01.2021**

PC. :-

In an unfortunate event this Civil Application is being entertained.

2] The petitioner had filed the Writ Petition pointing out that the Returning Officer had rejected his nomination on the ground of his failure to annex a copy of the caste certificate. After hearing both the sides, by the order dated 4/1/2021, the Writ Petition was allowed. The Returning Officer was directed to allow the petitioner to submit the caste certificate between 2 p.m. and 2.15 p.m. on that very day. Pertinently, according to the election program published that was the date on which the nominations were to be withdrawn and symbols were to be allotted. Considering these exigencies the Returning Officer was directed to proceed to act in accordance with the

directions being given, on the basis of an affidavit to be tendered by the petitioner.

3] The Civil Application has been filed being aggrieved and dissatisfied by the endorsement put by the Returning Officer about having received petitioner's representation at 2.26 p.m. on 4/1/2021.

4] It is petitioner's request now that the Returning Officer be directed to allow him to file the caste certificate or in the alternative, to extend the time upto 2.30 p.m. of that day so that the petitioner would be able to reap the benefits of the order passed by this Court in the Writ Petition.

5] As can be seen, the election process has progressed further. Taking into consideration the fact that the time was running out for everybody the petitioner was expected to approach the Returning Officer within the stipulated time and since there was no time sufficient to communicate the Returning Officer the order that was being passed by this Court, the petitioner was also expected to file an affidavit before the Returning Officer and the Returning Officer was directed to act on the basis of the affidavit.

6] On a query put by me it was fairly conceded by the learned Advocate for the petitioner-applicant that unfortunately for him though some attempt was made towards preparation of the affidavit it was neither sworn nor was it submitted to the Returning Officer.

7] If such was the state of affairs, no fault can be found with the noting put up by the Returning Officer refusing to act when the petitioner approached

him beyond the stipulated time that too without any order of the Court or the affidavit.

8] In view of such peculiar state of affairs, I have no sufficient and cogent reason now to step in and concede to either of the requests being made by the petitioner. Civil Application is rejected.

9] In view of rejection of Civil Application, Civil Application No.367/2021 stands disposed of.

[MANGESH S. PATIL, J.]

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