

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

941 WRIT PETITION NO.359 OF 2021

VIJAYALAXMI BALAJI SHINDE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. N. P. Patil Jamalpurkar, Advocate for the
Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

Mr. A. B. Kadethankar, Advocate for Respondent
No.2.

...

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

DATED : 12th JANUARY, 2021.

PER COURT:-

1. Mr. Patil, learned counsel for the petitioner submits that the petitioner had filled in nomination form for contesting the election of the Member of the Grampanchayat from the seat reserved for General (Women). In the nomination form also the petitioner had specifically stated that she is contesting the election from the post reserved for General (Women). The nomination form of the petitioner was accepted, but when the list was published of validly nominated candidates, the name of the petitioner appeared from the seat reserved for General (Men). The learned counsel submits that the petitioner cannot contest the election from the seat reserved for General (Men).

2. We have also heard Mr. Kadethankar, learned counsel for the State Election Commission and learned A.G.P for respondent/State.

3. There is no post in Ward No.2 reserved for General (Men). The Ward No.2/B is meant for General category meaning thereby any candidate eligible to contest can contest the election from the said category. In the declaration form also the petitioner contended that she is contesting from Ward No.2/B meaning thereby General category. The nomination form is also accepted by the Returning Officer on 30.12.2020 for Ward No.2/B and in the reservation category it is mentioned as General. The petitioner on the date of scrutiny also did not file any application with the Returning Officer.

4. We do not find any error on the part of the Returning Officer.

5. In light of the above, Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE