

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

982 WRIT PETITION NO.4252 OF 2021

SAMPATLAL BANSILALJI KOTECHA
VERSUS
THE ASSISTANT CHARITY COMMISSIONER AND OTHERS
WITH
983 WRIT PETITION NO.4253 OF 2021

RAJENDRA BABULALJI LALWANI
VERSUS
THE ASSISTANT CHARITY COMMISSIONER AND OTHERS
WITH
984 WRIT PETITION NO.4254 OF 2021

MOTILAL RAYCHANDJI SANCHETI
VERSUS
THE ASSISTANT CHARITY COMMISSIONER AND OTHERS
WITH
985 WRIT PETITION NO.4255 OF 2021

KANTILAL HIRALAL BORA
VERSUS
THE ASSISTANT CHARITY COMMISSIONER AND OTHERS
WITH
986 WRIT PETITION NO.4256 OF 2021

MOTILAL RAYCHANDJI SANCHETI
VERSUS
THE ASSISTANT CHARITY COMMISSIONER AND OTHERS
WITH
987 WRIT PETITION NO.4257 OF 2021

SUSHIL ZUMBARLAL KHATOD
VERSUS
THE ASSISTANT CHARITY COMMISSIONER AND OTHERS

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Advocate for Petitioner : Mr. S. V. Kurundkar h/for
Mr Suryawanshi Prashant D.

AGP for Respondents State: Mr P S. Patil

Advocate for Respondent No.3 : Mr. N. V. Gaware

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

DATE : 5th March, 2021.

ORDER:

1. Nomination forms of the petitioners for the election of the Managing committee of Respondent No.4 Trust are rejected. Aggrieved thereby, the present petitions.
2. Mr. Kurundkar, the learned counsel for the petitioners strenuously contends that the Returning Officer has taken hyper technical approach while rejecting nomination forms of the petitioners. The learned counsel submits that deficiency as was pointed out was not going to the root of the nomination paper. The same was curable defect. No opportunity was given by the Returning Officer to cure the defect though request was made by the petitioners.
3. In writ petition No. 4252/2021 the petitioner had only, through oversight, failed to write 'No' as against Column No. 9 i.e. whether the petitioner is concerned with other trust ? The Returning Officer could have allowed the petitioner to cure the defect at the time of scrutiny. The learned counsel submits that on such technical ground, nomination papers of the petitioners are rejected. The process of election would not to be interfered with as the voting is scheduled on 14.03.2021.
4. We have heard learned A.G.P. also.
5. Election process has proceeded further as per the election programme. Even the symbols have been distributed. Last date for withdrawal of nomination was 02.03.2021. The symbols are allotted on 4th March, 2021. All the stages in the process of election except voting

are completed.

6. The petitioners may agitate their grievance in an appropriate proceedings before the Appellate authority as may be permissible in law.

In that event, all contentions are kept open.

7. Writ petitions disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC