

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

WRIT PETITION NO. 9194 OF 2021

Rukhminbai Ankush Chavan

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Shrikant G. Kawade, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondents/State.

**CORAM : S. V. GANGAPURWALA &
 R. N. LADDHA, JJ.**

DATED : 23rd AUGUST, 2021.

PER COURT:-

. Mr. Kawade, learned counsel for the petitioner submits that the petitioner had contested the election for the post of Sarpanch of Grampanchayat Virgavhan, Taluka Mantha, District Jalna. The respondent No. 6 was declared elected. The learned counsel submits that the respondent No. 6's candidature could not have been accepted. The person proposing the candidature of respondent No. 6 had also proposed the candidature of one Ms. Trivenibai Narayan Kale. As he had proposed two candidates for the post of Sarpanch, the candidature of both ought to have been rejected and the petitioner should have been declared elected.

2. The election of Sarpanch is governed by the provisions of the Maharashtra Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964 (hereinafter referred as to the 'Rules of 1964'). Rule 6 of the Rules of 1964 prescribes that any member of the Panchayat may nominate any other member for election as Sarpanch or Upa-Sarpanch. Rule 7 of the Rules of 1964 further puts embargo on the right of a person to nominate not more than one candidate for the office of the Sarpanch.

3. The proviso to Rule 7 of the Rules of 1964 explicitly clarifies that if a member has nominated more than one candidate for the office of Sarpanch, the nomination which is received first by the Presiding Officer, shall alone to be taken into consideration for the scrutiny.

4. In the present case, the nomination of respondent No. 6 was received at 11.20 a.m. in the morning and nomination of Trivenibai Narayan Kale was received at 11.23 a.m. Naturally, the nomination of third candidate was subsequent to the nomination of respondent No. 6.

5. In the light of the above, no error has been committed by the Returning Officer. Writ petition, as such, is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.