

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 132 OF 2021

Baliram s/o Shankar Sarokar Vs. Tahsildar and Returning Officer of Gram
Panchayat Khandavi, Tq. Jalgaon Jamod, District Buldana and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri G.G. Mishra, Advocate for petitioner.
Smt. Mrunal A. Barabde, A.G.P. for respondent no.1.
Shri Vipul Bhise, Advocate for respondent no.2.
Shri Ram Karode, Advocate for respondent no.3.

CORAM : V.M. DESHPANDE, J.
DATE : 2nd FEBRUARY, 2021.

Heard Shri Mishra, learned counsel for the petitioner, Smt. Barabde, learned Assistant Government Pleader for respondent no.1, Shri Bhise, learned counsel for respondent no.2 and Shri Karode, learned counsel for respondent no.3.

(2) By approaching this Court the petitioner set up a challenge to the order dated 31.12.2020 passed by the respondent No.1 – Tahsildar and Returning Officer of Gram Panchayat, Khandavi, Taluka Jalgaon (Jamod), District Buldana, whereby the Returning Officer rejected the nomination papers of the petitioner from Ward No.1 for the seat reserved for OBC category for Gram Panchayat, Khandavi.

(3) When this writ petition came up before this Court on 04.01.2021, this Court (Coram:Manish Pitale,J.) by interim order directed that the nomination papers of the

petitioner be accepted and the petitioner was allowed to contest the election. At the same time, Court observed that it shall be subject to result of this writ petition.

(4) Elections took place and according to learned counsel for the petitioner the petitioner was elected. The learned counsel for the respondents submitted that this writ petition is not maintainable in view of the law laid-down by the Full Bench of this Court in Writ Petition (stamp) No. 26 of 2021 and other connected writ petition dated 13.01.2021. The Full Bench has laid-down the law that against the rejection of the nomination papers, the writ petition is not maintainable.

(5) Since the writ petition itself is not maintainable and result of the election was subject to result of this writ petition. In view of the Full Bench's decision, this writ petition is dismissed as not maintainable. Hence, the writ petition is dismissed, consequence of dismissal of writ petition to follow. No order as to costs.

(6) Needless to mention, the interim order dated 04.01.2021 stands vacated.

JUDGE

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