

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

1070 WRIT PETITION NO.11444 OF 2022

PRAMOD JAGDEO HERODE

VERSUS

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY,
THROUGH ITS REGISTRAR AND OTHERS

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Advocate for Petitioner : Mr. Sushant V. Dixit.

Advocate for Respondent Nos.2 & 3 : Mr. Vaibhau Pawar, h/f Mr. S. S. Tope.

AGP for Respondent/State: Mr. S. G. Karlekar.

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CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 18th November, 2022.

Per Court :

1. This petition was heard at 06:15 pm.
2. The petitioner is aggrieved that his nomination, as a voter, to be entered in the electoral roll has been rejected on the ground that a certificate by the in-charge Principal, which is mandatory to be issued and tendered alongwith the application form, was not filed. At the time of hearing of an appeal preferred before the Vice-Chancellor of the University, the certificate was tendered. While deciding the appeal, the Vice-Chancellor noticed that the certificate does not carry

the signature of the Principal in original form. A rubber stamp is affixed on the certificate. Not even the initials of the in-charge Principal are seen on the said certificate.

3. Mr. Dixit, the learned advocate for the petitioner strenuously canvassed the following aspects:-

- a) A rubber stamp is sufficient compliance to render the certificate authentic ;
- b) Several people use rubber stamps and there is nothing wrong in the in-charge Principal not signing the certificate, but affixing a rubber stamp ; and
- c) There is no requirement of the original signature of the in-charge Principal.

4. We find the above submissions to be fallacious and not worthy of consideration. The issue is as regard entering the name of the petitioner as a valid voter in the electoral roll so as to vote and/or participate in the elections of the Head of the Department Collegium. A nomination form without the mandatorily required certificate of the Principal stating that the petitioner is Head of the Department, Procedure Law of the Law College, is admittedly a serious defect. The certificate was not accompanying the application form for inclusion in the electoral poll. The certificate was placed before the Vice-

Chancellor when an appeal against non acceptance of the application was being heard. The certificate does not carry, even the original initialing, much less, the original signature of the in-charge Principal.

5. In view of the above, we do not find that this petition can be entertained as against the decision of the Vice-Chancellor concluding that the application form is defective and cannot be accepted.

6. This petition is, therefore, dismissed.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]