

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

WRIT PETITION NO.5442 OF 2021

Dr. Ajay Deoram Tumsare Vs. State of Maharashtra and others

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

Shri R.D. Karode, Advocate for petitioner.
Shri A.M. Deshpande, Addl. G.P. for respondents/State.
Shri J.B. Kasat, Advocate for respondent no.2.

CORAM : A.S. CHANDURKAR AND
PUSHPA V. GANEDIWALA, JJ.
DATE : 7th JANUARY, 2022.

The petitioner has approached this Court seeking modification of the order dated 17.12.2021 that was passed by State Election Commission pursuant to an order dated 15.12.2021 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No.841 of 2021. The modification sought is that the seats that were earlier reserved for Other Backward Class category be treated as General Category seats and thereafter continue with the election programme.

2. Before considering the challenge as raised by the petitioner, we find that the election programme that was published pursuant to order passed by the Hon'ble Supreme Court indicates that on today the scrutiny of nomination papers is scheduled. In other words, the election programme which commenced from 20.12.2021 has reached its final stage and the polling is scheduled on 18.01.2022. Since the election programme has already been commenced, no relief

could be granted at this stage in view of Article 243ZG of the Constitution of India. Hence, keeping all points raised in the writ petition open the writ petition is not entertained. It is disposed of with liberty to avail appropriate remedy after declaration of the results. No costs.

Pending civil application, if any, is also disposed of.

JUDGE

JUDGE

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