

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

WRIT PETITION NO. 7906 of 2022

Sunita Ravindra Bannate

vs.

Returning Officer, Gram Panchayat Election, Tumkheda (Khurd), Dist. Gondia and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.Y.Kapgate,, Advocate for petitioner.

Ms. N. P. Mehta, Assistant Government Pleader for respondent no.2.

CORAM :- A.S.CHANDURKAR AND ANIL L. PANSARE, JJ.,

DATE :- DECEMBER 09, 2022

The petitioner seeks to challenge the order passed by the Returning Officer refusing to alter the status as indicated in the nomination form from 'General (Women)' category to Backward Class of Citizens (Women) category. The learned counsel for the petitioner in support of his submissions has relied upon the decisions in *Sudhakar s/o Vitthal Misal vs. State of Maharashtra and ors.* [2007(6) ALL MR 773], Writ Petition No.4350 of 2007 (*Rajkaynya L.Khupase Vs. State of Maharashtra*) decided on 27.09.2007, Writ Petition No. 4348 of 2007 (*Smt.Bebibai A.Dhote Vs. State of Mah. and ors.*) decided on 27.09.2007, Writ Petition No.4361 of 2007 (*Pravin N. Panpatte and ors Vs. The Collector, Nagpur and ors*) decided on 27.09.2007, Writ Petition No.4383 of 2007(*Sau.Varsha C.Ganvir Vs. The Returning Officer, Village Panchayat Elections, Nagpur and ors.*) decided on 26.09.2007, Writ Petition No.1138 of 2009 (*Deepak VKhule vs. The Collector, Akola and ors.*) decided on 21.03.2009 and Writ Petition No.6635 of 2022(*Sunil G. Dudhpachare vs. State of Mah. and ors*) decided on 05.12.2022.

It is however seen that the election process has commenced on 07.12.2022. Symbols have been allotted to validly nominated candidates. In the light of the judgment of the Full Bench in *Karmaveer Tulshiram Autade and ors. Vs. State Election Commission and ors, [2021(2) Mh.L.J.*

349], we do not deem it appropriate in extra ordinary writ jurisdiction to interfere at this stage of the election process. The petitioner is at liberty to invoke appropriate remedy after results are declared. The points raised in the writ petition are kept open for being raised in appropriate proceedings. The writ petition is disposed of. No costs.

(ANIL L. PANSARE, J.)

(A.S.CHANDURKAR, J.)

Andurkar.