

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

918 WRIT PETITION NO.4513 OF 2023

**SAHEBRAO KHANDUJI BEDRE
VERSUS
DISTRICT ELECTION OFFICER AND OTHERS**

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Advocate for Petitioner:
Mr. Suryawanshi Kamlakar J.
Advocate for Respondents No.1&2: Mr. V. H. Dighe
Advocate for Respondent No.3:
Mr. S. S. Gangakhedkar

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CORAM: ARUN R. PEDNEKER, J.

DATE: 20th APRIL, 2023

PER COURT:

1. Heard.

2. The nomination of the petitioner to the elections of the APMC Kalamnuri weaker section gram panchayat constituency was accepted by the returning officer by order dated 06.04.2023, rejecting the objection raised by respondent no. 3 contesting respondent. Respondent no.3 filed an appeal before the appellate authority. The appellate authority has allowed the appeal by order dated 17.04.2023 and rejected the nomination of the petitioner. The appellate authority held

that the certificate relied upon by the petitioner that he belongs to the weaker section has been revoked and cancelled by the Tahsildar by its order dated 12.04.2023. The petitioner has challenged the order passed by the appellate authority in the present writ petition.

3. The petitioner contends that no further evidence as was available before the authority at the time of acceptance of nomination could have been accepted by the appellate authority. The appellate authority was entitled to examine on the basis of the material produced before the returning officer, whether the order passed by the returning officer was correct. However, in the grounds raised, the petitioner does not dispute that the Tahsildar by letter dated 12.04.2023 has revoked his certificate of being from weaker section.

4. In view of the same, it would not be appropriate to render a finding, whether the petitioner belongs to the weaker section in a

summary writ jurisdiction. The petitioner would be entitled to challenge the order passed by the appellate authority before the appropriate authority. In the election matters it is only if the order passed is patently illegal that this court may interfere with the orders passed by election authorities. Prima facie, there is no patent illegality. The same will have to be adjudicated before the appropriate authority by filing the election petition.

5. In view of the same, the Writ Petition is disposed of. All points are kept open.

[ARUN R. PEDNEKER, J.]

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