

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

914 WRIT PETITION NO.4514 OF 2023

GITANJALI SANDIP GHORPADE  
VERSUS  
THE DISTRICT DEPUTY REGISTRAR COOPERATIVE SOCIETIES AND  
OTHERS

...  
Advocate for Petitioners : Mr. Shinde Abasaheb D.  
AGP for Respondents-State : Mr. K.B. Jadhavar  
Advocate for Respondent Nos.1 and 2 : Mr. S. K. Kadam  
...

**CORAM : ARUN R. PEDNEKER, J.**  
**DATE : 19<sup>th</sup> April, 2023**

**PER COURT :**

1. Heard the learned Advocate for the petitioner. He submits that the nomination of the petitioner is rejected by quoting Rule 21 sub-rule 2 of the Maharashtra Agriculture Produce Market Committee (Election to Committee) Rules, 2017. It was found that the proposer of the petitioner is also a proposer of one more candidate, and as such, there was a violation of Rule 21 sub-rule 2 of the Act which provides that the proposer should not propose for more than one candidate.
2. The petitioner challenged the order passed by the election authority before the appellate authority. An affidavit was also filed by the proposer that he had not given second proposal to another person.

However, the affidavit was rejected, and in view of the proposer being for more than one candidate, the nomination was rejected of the petitioner. The learned Advocate relies upon the Judgment passed in *Patel Kanchanbhai Mangalbhai And Ors. vs. Maneklal Maganlal Gandhi And Ors.*, reported in AIR 1966 Gujarat 19. He contents that the nomination can be rejected only of the second candidate and not of the first candidate for whom the proposer has signed. If a proposer subscribes to more than one nomination paper, then only the subsequent nominations are to be rejected and first nomination has to be accepted.

3. The issue as canvassed before me, a finding of fact is required to be recorded as to whether a nomination of the petitioner is prior to the nomination of another candidate having the same proposer. Since this issue was not raised before the election authority as well as the appellate authority, there is no finding rendered on this aspect. The elections are at an advanced stage and tomorrow is the last date of withdrawal. Interference at this stage would be difficult. On the basis of the record before me, I cannot render a finding on this issue .

4. In view of the same, this petition is disposed of by giving liberty to the petitioner to raise all issues as may be available in law before the appropriate authority.

**( ARUN R. PEDNEKER, J. )**

*vj gawade/-.*