

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2317 OF 2024

BAPU ANANDA PAWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Mr. S. N. Suryawanshi

AGP for Respondent Nos.1 and 2 : Mrs. R. R. Tandale (Choure)

Advocate for Respondent Nos.3 and 4 : Mr. V. H. Dighe

Advocate for intervenor : Mr. A. V. Hon

...

CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 29, 2024

PER COURT:-

1. Heard the learned counsel for the petitioner.
2. Issue notice to respondents.
3. The learned A.G.P waives service of notice for respondent Nos.1 and 2.
4. Mr. V. H. Dighe, learned counsel waives service of notice for respondent Nos.3 and 4.
5. The learned counsel Mr. A.V. Hon, waives service of notice for intervenor.

6. The learned counsel for the petitioner has vehemently argued that the nomination of the petitioner has been incorrectly rejected. Respondent No.4/the Election Officer did not consider the condition to obtain the loan was not mandatory.

7. The learned counsel for respondent Nos.3 and 4 vehemently argued that the petitioner has submitted nomination form from representatives of general borrower constituency. The nominee must produce the certificate with nomination form that they have obtained a loan. It was a pre-condition to contest the election. No certificate, as such, was produced; therefore, respondent Nos.3 and 4 have correctly exercised the powers and rejected the nomination form.

8. The Bylaws of the Society supports the contentions of the learned counsel for respondent No. 3 and 4. It is not in dispute that the petitioner has submitted nomination to contest the election from Representative of general borrower constituency. As per the Bylaws, borrowing a loan, is a condition precedent for candidature from that constituency. There is nothing on record to show that this condition has been fulfilled. Hence, the petitioner was not eligible to contest the election from the said

constituency. Both orders impugned before this Court are legally correct and free from infirmity.

9. The petition stands dismissed.

(S. G. MEHARE)
JUDGE

ysk