



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4495 OF 2024

SANJAY KASHINATHRAO KALE
VERSUS
THE CHIEF ELECTION COMMISSION OF INDIA AND OTHERS

Mr. D. U. Manwatkar, Advocate for the Petitioner
Mr. Alok Sharma, Advocate for Respondent Nos.1 and 3
Mr. S. K. Tambe, AGP for Respondent No.2/State

CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.

DATE : 29th April, 2024

PER COURT :-

1. This matter was mentioned at 10.30 a.m. expressing grave urgency. In view of the same, we granted urgent circulation on the Production Board.

2. The Petitioner has put-forth prayer clauses 'B', 'C' and 'D' as under:

"B) Be pleased to direct the respondent/ returning officer to accept the nomination paper with rectification of nomination paper.

C) Be pleased to quash and set aside the order passed by the respondent/ Returning Officer dated 26.04.2024.

D) Pass such other further orders in favour of the petitioner as this Hon'ble Court may deem, fit and proper in peculiar facts and circumstances of the case."

3. We have considered the extensive submissions of the learned Advocate for the Petitioner for quite sometime and with his assistance, we have gone through the Petition paper book.

4. The impugned order dated 26th April, 2024 passed by 39-Beed Returning Officer, reads as under:

"Order

Shri : Sanjay Kashinathrao Kale, has filed his Nomination Paper for 39-Beed PC. The scrutiny of the nomination paper has commenced at the date, place, and time as prescribed and conveyed to the Candidate. I have perused and scrutinized the nomination paper of the candidate. According to the section 33(4) of RP Act, 1951 the names & electoral roll numbers of the candidate & his proposer as entered in the nomination paper are the same as those entered in the electoral roll.

Grounds for rejection of Nomination papers:-

The electoral roll details of one of the proposers mentioned in the nomination paper does not match with the electoral roll. Candidate was present during the scrutiny. It was specifically announced that either candidate or his representative has liberty to point out the proposers entered in the nomination paper & the electoral roll are the same. Despite of chance & time granted none of the person specifically could not satisfy the aforementioned query.

Hence, I hereby reject the nomination paper.

Date : 26.04.2024

Place – Beed."

5. This Petition was filed on 29th April, 2024. The last date for carrying out rectification in the nomination form, in the light of the proviso below Section 33(3) of The Representation of The People Act,

1951 was from 11 a.m to 3 p.m. on 26th April, 2024.

6. We noticed from the nomination form that the electoral list number, of one of the proposers Ramesh Ambadas Pimple, to the nomination form of the Petitioner for contesting the election to the Beed Parliamentary Constituency, is mentioned as 161 and the date in front of his signature is 25th April, 2023. The nomination form was filed on 25th April, 2024. The electoral list 224 S 13 Maharashtra, mentioned in the form is as 239. The electoral voter list number of Ramesh Ambadas Pimple, is wrongly mentioned as 839. The correct number is 458 and the list number is 239. As such, the list number, the serial number of the name of the proposer in the electoral list is wrongly mentioned in the nomination form. The date in front of the signature of the said proposer is also wrongly mentioned as 25th April, 2023.

7. Today, this order is dictated in between 4.15 pm to 4.30 pm. The time for withdrawal of the nomination form was up to 3 pm today and immediately thereafter, the allotment of the election symbols is to be effected. According to the learned AGP, the said exercise has already begun and would conclude at 5 pm.

8. The impugned order indicates to us that there was a public announcement arrangement made. Neither the candidate nor his

representative could satisfy the above stated discrepancies / errors. In view of the above, when the last date and time for withdrawal of the nomination forms is already over and distribution of the election symbols has commenced, keeping in view that the Petition was filed today, we do not find there is no any scope for indulgence at this stage.

9. **This Writ Petition is, therefore, dismissed.**

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp