

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5768 OF 2024

Election Commission of India	.. Petitioner
Vs.	
Vikram Mahajan Rajput & Ors.	.. Respondents

**WITH
WRIT PETITION NO.5706 OF 2024**

Gopal Shrishail Kumbar	.. Petitioner
Vs.	
The District Caste Scrutiny Committee Sangli & Anr.	.. Respondents

**WITH
WRIT PETITION NO.5707 OF 2024
(taken on board)**

Election Commission of India	.. Petitioner
Vs.	
Smt. Varsha Landge & Ors.	.. Respondents

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Mr. Ashutosh Kumbhakoni, Senior Advocate i/by Mr. Abhijit Kulkarni, Mr. Tejas Deshmukh, Mr. Akshay Shinde, Advocates for petitioner in all Writ Petitions.

Mr. Mihir Desai i/by Mr. Swaraj Jadhav, Advocate for Respondent No.1.

Mr. N. C. Walimbe, Addl. G.P a/w Mr. N. K. Rajpurohit, AGP for Respondent-State.

Mr. N. K. Rajpurohit, AGP for Respondent Nos.1 to 4 in WP/5706/2024.

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**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 26th APRIL 2024.

PC. :

1. In these three writ petitions challenge has been raised to the common order dated 02/04/2024 passed by the Maharashtra

Administrative Tribunal in Original Application Nos.205/2024, 206/2024, and 207/2024. In these Original Applications, a challenge was raised to the order of suspension issued by the Home Department dated 08/02/2024 and the Revenue and Forest Department dated 09/02/2024 in view of the communication issued by the Election Commission of India on 06/02/2024. The Maharashtra Administrative Tribunal by the aforesaid common order set aside the orders of suspension issued to the three applicants. Being aggrieved, the Election Commission of India has challenged the said common order.

2. During pendency of the writ petition, the Election Commission of India has on 22/04/2024 issued a communication to the Chief Secretary, Government of Maharashtra stating therein that all the three applicants who had approached the Maharashtra Administrative Tribunal were being reinstated. In view of this direction issued by the Election Commission of India, two of the three applicants have been reinstated. The said communication is taken on record and marked 'A' for identification.

3. Mr. A. A. Kumbhakoni, learned Senior Advocate for the Election Commission of India submits that the Election Commission of India desires to challenge the correctness of the findings recorded by the Maharashtra Administrative Tribunal in the common order dated 02/04/2024 that relate to its authority to issue directions for suspending the concerned

applicants. He, however, submits that since the order of suspension of the three applicants has now been revoked, the grounds raised for challenging the said common order be kept open.

4. Mr. Mihir Desai, learned Senior Advocate for the concerned applicants submits that in view of the order dated 22/04/2024 passed by the Election Commission of India, the concerned applicants have been / is being reinstated.

5. In view of these subsequent events, it is not necessary to keep the writ petitions pending. They are accordingly disposed of with a clarification that all points raised in the writ petitions are kept open. It is further clarified that we have not examined the correctness of the findings recorded by the Maharashtra Administrative Tribunal and all challenges/defences are kept expressly open. Order accordingly.

[JITENDRA JAIN, J]

[A.S. CHANDURKAR, J.]