

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

WRIT PETITION NO.6489 OF 2024

Smt. Malan Dnyaneshwar Paradhe,
Resident of Kothrud, Pune .. Petitioner
Vs.

1. The State of Maharashtra
2. The Election Returning Officer,
36-Shirur, Lok Sabha Constituency, Pune .. Respondents

Ms. Pratiksha C. Keni, h/f. Mr. S.D. Patil, Advocates for the Petitioner.
Mr. P.P. Kakade, Government Pleader, with Mr. K.B. Dighe, Additional
Government Pleader and Smt. R.M. Shinde, Assistant Government
Pleader, for the Respondent-State of Maharashtra.

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

DATE : 10TH MAY, 2024.

PC. :

1. The challenge raised in this writ petition is to the order dated 26th April 2024 passed by the Election Returning Officer on 36-Shirur Lok Sabha Constituency. By that order, the petitioner's nomination form has been rejected on the ground that the same is incomplete with various blanks therein. The Election Returning Officer has held that the nomination form is incomplete and hence under Sections 33(1) and 36 of the Representation of the People Act, 1951, it is liable to be rejected.

2. Considering the provisions of Article 329(b) of the Constitution of India, since the election process is ongoing, we are not inclined to interfere at this stage of the said process. The petitioner has a remedy under Section 100 of the said Act of 1951 to challenge the order dated 26th April 2024 after conclusion of the elections.

3. The learned counsel for the petitioner seeks to rely upon the decision of the Madhya Pradesh High Court in Writ Petition No.13057 of 2022 (*Krishna Bai w/o. Dinesh Kumar Patidar Vs. The State of Madhya Pradesh and Ors.*) dated 20th June 2022. It is seen that the issue therein was with regard to elections for the post of Sarpanch for Gram Panchayat Kotada Bujurg, Janpad Panchayat, Tehsil - Garoth. The ratio of that decision cannot be applied to the case in hand.

4. Hence, keeping all points raised open, the Writ Petition is not entertained and the same is disposed of.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]