



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6538 OF 2024

Manohar Wamanrao Ingle -Vs- Election Commission of India and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.S.Dhore, counsel for the petitioner/s.
Mr. D.V.Chauhan Government Pleader a/w Mr.N.S.Rao AGP for respondent Nos.3
and 4.
Ms.Neerja Choube, counsel for respondent Nos.1 and 2.

**CORAM: NITIN W. SAMBRE AND
MRS.VRUSHALI V.JOSHI, JJ.**

DATE : 13th NOVEMBER, 2024.

1. The petitioner, has submitted his nomination form on 29.10.2024 with an intention to contest the election to the Maharashtra Legislative Assembly, Daryapur Constituency, which is reserved for the Scheduled Caste Category.
2. Since the nomination form contains certain defects, the respondent Returning Officer directed the petitioner to rectify the defects.
3. In spite of above, since the petitioner failed to rectify the defects/shortfall, the nomination form came to be rejected, as such this writ petition.

4. The contentions are even if this Court causes interference in its extraordinary jurisdiction at this stage, no prejudice is likely to be caused, as the acceptance of nomination form by setting aside the impugned order would permit the petitioner to participate in the election process, which shall not be causing prejudice to any other candidate or the election machinery or will not cause interference in the election process.

5. The aforesaid submissions are strenuously objected by the learned AGP and the learned counsel appearing for respondent Nos.1 and 2, as it is claimed that neither the writ petition, at this stage, is maintainable nor the stage at which the interference is called for is permitted.

6. Our attention is invited to the orders at the Principal seat delivered in **Writ Petition (stamp) No. 26 of 2021** delivered by the Full Bench by in the matter of ***Karmaveer Tulshiram Autade and ors. Vs. The State Election Commission and ors. with connected matters decided on 13.01.2021***, which is followed in ***Writ Petition (L) No.33595 of 2024 decided on 05.11.2024 (Mr.Aakifahmed Dafedar Vs. Election Commission of India and ors.)***.

7. The Full Bench judgment in the matter of ***Karmaveer Tulshiram Autade***, in our opinion, is squarely covered and deals with the issue, which is sought to be canvassed.

8. In the said judgment of ***Karmaveer Tulshiram Autade*** (supra) it is already held that for the grievance sought to be canvassed, the writ petition is not maintainable.

9. Apart from above, this Court is required to be sensitive to Article 329(b) of the Constitution of India which speaks of remedy of Election Petition.

10. In the aforesaid background, we are of the view that since the election programme has already travelled at an advance stage and the Full Bench having held that the petition is not maintainable, we deem it appropriate to dismiss the petition, however, this will not preclude the petitioner from taking recourse to such other remedy post declaration of result.

11. Writ Petition stands dismissed. No costs.

(SMT. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)