



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 WRIT PETITION NO. 14049 OF 2025

SHAIKH NOORJAH SHAikh SHAHED MANIYAR
VERSUS
STATE ELECTION COMMISSIONER MAHARASHTRA STATE THR ITS
SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. M.V. Salunke for Salunke Legal LLP
Advocates And Consultants
Advocate for Respondent/Election Commission : Mr. Sachin Shetye a/w.
Ms. Sharayu Dhanture
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CORAM : ARUN R. PEDNEKER, J.
Dated : November 25, 2025

PER COURT :-

1. Heard.
2. The petitioner challenges the order dated 20.11.2025 passed by the respondent No. 2/Returning Officer whereby the petitioner's application for withdrawal of one nomination form have been treated as withdrawal of candidature in respect to election of Ward No. 8A of Majalgaon Muncippal Council.
3. Brief facts, giving rise to the present writ petition can be summarized as under :-

Respondent No. 1/State Election Commission published notification on 4.11.2025 for conducting the election of municipal council and nagar panchayats of State of Maharashtra. From the election programme, it appears that final voters list would be published on 31.10.2025. Date of election programme would be started on 6.11.2025. Availability of nomination forms on the website would be 10.11.2025 to 17.11.2025. The date of acceptance of nomination forms would be 10.11.2025 to

17.11.2025 up to 3.00 p.m. Scrutiny of nomination forms and publication of list of nominated candidates would be 18.11.2025. Last date for withdrawal of nomination form after publishing valid nominated list of candidates would be between 19.11.2025 to 20.11.2025 up to 3.00 p.m. In case of any pending appeal qua the acceptance or rejection of the nomination papers, then the period would stand extended up till 25.11.2025. The last date for publishing valid list of final nominated candidates and allotment of election symbols would be 26.11.2025. Date of election would be 2.12.2025. Date of counting and declaring result would be 03.12.2025 and date of publication of election result in the Government Gazette as per section 19 would be 10.12.2025.

4. Mr. M.V. Salunke, learned counsel for the petitioner submits that the petitioner has filed two nomination forms on 15.11.2025 for the election of Ward No. 8A of Municipal Council, Majalgaon. One nomination form is filed by the petitioner as an independent candidate bearing nomination form No. MC162461-523-4219-62461 and another nomination form is filed by the petitioner as a candidate of a registered national political party namely Nationalist Congress Party (Sharad Pawar Fraction) bearing nomination form No. MC161519-523-4219-61519.

5. The learned counsel for the petitioner submits that both the nomination forms were accepted and list was published on 18.11.2025. Her nomination forms were held valid. It is stated that present petitioner filed an application on 20.11.2025 at 2.47 p.m. to the Returning Officer, seeking withdrawal of the nomination form of the petitioner which is filed as an independent candidate bearing nomination form No. MC162461-523-4219-62461. The learned counsel submits that respondent No. 2 has

passed order on the same day and held that once a candidate files a nomination under a registered political party, such a candidate cannot simultaneously continue as an independent candidate and petitioner's application for withdrawal of nomination has been accepted and further treated as withdrawal of the candidature by holding that once the nomination form is withdrawn by the candidate under section 17, it cannot be recalled. The learned counsel for the petitioner submits that the petitioner has withdrawn her nomination paper only as an independent candidate and the from her application, it is clear that she has withdrawn specific application with the number and only one of her nomination form is withdrawn. She submits that there is no withdrawal of nomination form of the petitioner contesting from the political party. The learned counsel therefore submits that on the face of record the order dated 20.11.2025 passed by the Returning Officer is erroneous. The learned counsel submits that interference by this court would not amount to interference in the election process and in fact this would be sub-serve the purpose of election and bar under Article 243(z)(g) of the Constitution of India would not be apply in the instant case.

6. Per contra, Mr. Sachin Shetye, learned counsel appearing for respondent No. 1/State Election Commission submits that there would be alternate remedy of appeal provided under Rule 15 of the Maharashtra Municipal Councils And Nagar Panchayats Election Rules, 1966 and as such, this Court should not interfere in the election process in view of the alternate remedy available and strongly opposed the writ petition.

7. Relevant provision of Rule 15 of the above rules is as under :-

"15. **Appeal.-** (1) An appeal shall lie to the District Judge

of the district in which the municipal area is situated as herein provided from any decision of a Returning Officer accepting or rejecting a nomination paper.

(2) Any candidate aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper may present an appeal thereafter from to the District Judge within a period of three days from the date of publication of the list of validly nominated candidates :"

8. Rule 15 provides that an appeal shall lie to the District District Judge from any decision of the Returning Officer accepting or rejecting the nomination paper. The rule prima facie appears to apply when there is acceptance/rejection of nomination at the stage of Rule 13. However, in the present case the nomination is accepted as valid and there is no challenge to it under sub-rule 15. The withdrawal of validly nomenated candidture is provided in Rule 16 and at this stage Rule 15 has no application.

9. It appears that the petitioner has filed specific application for withdrawal of nomination form, however, the Returning Officer has withdrawn her candidature under Rule 17. In this regard, the prima facie issue i.e. whether single nomination could have been withdrawn after scrutiny and the list of validly nominated candidates is published. In the list of validly nominated candidates single name is shown although multiple nominations are filed by the candidate. Only once the candidate is shown and not multiple times qua each nomination. There is no specific provision for withdrawal of single nomination form of the person contesting the election. The candidate would contest on the symbol of the parties if he is authorizes in that behalf by the party. However, prima facie it is seen that there is no provision under rules to withdraw a single nomination form (If

multiple nominations are filed) and non withdrawal of the multiple nomination forms does not lead to any fatal consequences. The Returning Officer has relied upon Rule 17, for withdrawal of candidature by the nominated candidate as the withdrawal application is after publication of list of valid nominated candidates.

10. Considering all these aspects of the matter, it appears that there are complicated legal issues involved to be decided and the same cannot be decided within a day and without prior notice to the parties. Tomorrow is the last date for allotment of election symbol. In view of the above, I hold that no interference would be warranted in the election process. The petitioner is at liberty to take steps as available in law by filing appropriate proceeding before appropriate authority. This Court is also conscious of the bar under Article 243 (ZG) of the Constitution of India.

11. The writ petition is disposed of accordingly with above liberty.

(ARUN R. PEDNEKER, J.)

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