



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.14244 OF 2025

**MOHAMMAD AKHIL AHEMAD MOHAMMAD SALAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioner : Ms.P.S.Talekar h/f. Mr.Talekar
and Associates

AGP for Respondent-State : Mr.S.K.Shirse

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27.11.2025

P.C. :

1] By the present writ petition, the petitioner challenges order dated 18.11.2025 passed by the Returning Officer.

2] The petitioner objected the nomination form of respondent-candidate at the time of scrutiny of nomination papers before the Returning Officer on the ground of non-disclosure of third child born after 12.09.2001. The Returning Officer, by order dated 18.11.2025, accepted the nomination form of respondent-candidate. Being aggrieved

by the said order, the petitioner filed Election Appeal No.4/2025 before the District Court at Parbhani and the District Judge, Parbhani, by order dated 24.11.2025 dismissed the appeal filed by the petitioner.

3] The learned counsel for the petitioner submits that the respondent no.3 made false statement in his nomination form as regards his number of children. She further submits that the respondent no.3 has suppressed the fact of his fourth child and record shows the date of birth of fourth child is 19.05.2006 i.e. born after cut off date of 2001. However, the Appellate Court has rejected the appeal.

4] The Appellate Court has held that it would not be possible to infer that the copy of birth certificate produced by the appellant before the Returning Officer is of the child of respondent no.2. Therefore, it would not be proper to disqualify his nomination form by relying on the said copy of birth certificate. The learned counsel for the petitioner submits that while passing the order, the Appellate Court should have relied upon the document

produced by the petitioner, as such, the order passed by the Appellate Court is illegal.

5] The petition involves disputed question of facts. The final list of nominated candidate is published and symbols for the candidates are also allotted. Considering the same, this Court in exercise of writ jurisdiction would not interfere in the ongoing election process. As such, the Writ Petition is disposed of, with liberty to the petitioner to avail statutory remedy as is available in law.

[ARUN R. PEDNEKER]
JUDGE

DDC