



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

WRIT PETITION NO. 14436 OF 2025

1. Sadik Abdulkadir Shiledar,
Age-49 years, Occu. Advocate,
R/o 529, Court Galli, Nevasa Kh.,
Nevasa, Dist – Ahilyanagar.
2. Sanjay s/o Laxman Sukhdan,
Age – 45 years, Occu. Business,
R/o Deshpande Nagar, Newasa Kh.
Tal- Newasa, Dist – Ahilyanagar.

---PETITIONERS

VERSUS

1. The State Election Commission,
Through its secretary,
New Administrative Building,
Madam Cama Road, Hutatma Rajguru
Square, Opposite Mantralaya,
Mumbai.
2. The District Collector and District Election Officer,
Ahilyanagar.
3. The Returning Officer,
Nevasa Nagar Panchayat Election,
Nevasa, Dist – Ahilyanagar.

---RESPONDENTS

Mr. S. D. Kotkar h/f Mr. T. S. Kotkar, Advocate for petitioners
Mr. Sachindra Shetye, Advocate for Maharashtra State Election
Commission

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 02nd December, 2025

JUDGMENT (PER : Hiten S. Venegavkar, J) :-

1. By present petition petitioner seeks direction to the respondent authorities to commence the revised election program from the stage of scrutiny of election forms since various guidelines have been issued after the date of filing of the nomination form by the respondent No. 1 in respect of filing of the nomination forms. The petitioner further prays that petitioner No. 2 be allowed to participate in the revised election program by ignoring his earlier withdrawal of his nomination form.

2. The petitioner submits that respondent No. 1 had issued a notification dated 04.11.2025 and declared the elections of 246 Nagar Parishads and 42 Nagar Panchayats within the State of Maharashtra. The election program for the post of Members and the President of Nagar Parishads and Nagar Panchayats commenced from 06.11.2025 declaring the Collector of the respective districts to declare the election program. As per the election program dated 06.11.2025, the nomination form was to be filled from 10.11.2025 to 17.11.2025. The scrutiny of the nomination form was scheduled on 18.11.2025 and the date for withdrawal of the nomination form would be from 19.11.2025 till 21.11.2025. The election program also contemplated the statutory appeals which are likely to be filed against the rejection of the

nomination forms and in such cases, the withdrawal of the nomination form was to be decided to be from 21.11.2025 to 25.11.2025. The date of allotment of symbol and to publish the list of the contesting candidates was scheduled on 26.11.2025. The date of polling was scheduled on 02.12.2025 and the date of counting and declaration of the result of scheduled on 03.12.2025.

3. Petitioner No. 2 has filed his nomination form for the post of 'President' and his form came to be declared as valid however, during the scheduled date for withdrawal, petitioner No. 2 has withdrawn his nomination from elections. The petitioner submits that while filing the nomination form, there were certain difficulties to the Returning Officer in respect of the candidate of the political party who have filed the nomination form from 10.11.2025 till 17.11.2025. The scrutiny of the nomination form was scheduled on 18.11.2025 and the date for withdrawal of the nomination form would be from 19.11.2025 till 21.11.2025. The election program also contemplated the statutory appeals which are likely to be filed against the rejection of the nomination forms and in such cases, the withdrawal of the nomination form was decided to be from 21.11.2025 to 25.11.2025. The date of allotment of symbol and to publish the list of the contesting candidates was scheduled on 26.11.2025. The date of polling was scheduled on

02.12.2025 and the date of counting and declaration of the result was scheduled on 03.12.2025.

4. Petitioner No. 2 has filed his nomination form for the post of President and his form came to be declare as valid however during the scheduled date for withdrawal, petitioner No. 2 has withdrawn his nomination from the elections. The petitioner submits that while filing the nomination form there were certain difficulties to the Returning Officer in respect of the candidate of the political parties who have filed the nomination form on behalf of the political party therefore the respondent No. 1 on 17.11.2025, issued the guidelines in respect of the main candidate and the secondary candidate of the political party. It is directed that if the candidate of a political party has filled the form of the signature of one proposer and has submitted A and B form till 3 o'clock on the last date of filing of the nomination form, both the nomination forms are to be accepted. Once again on 18.11.2025, respondent No. 1 issued a letter directing all the District Collectors intimating that the letter dated 17.11.2025, is canceled and the amended notification is to be published. Respondent No. 1 vide its letter dated 18.11.2025 directed that if a candidate from registered political party submitted nomination form and have only one proposal the said nomination forms is to declared invalid at the time of scrutiny of the nomination form. However,

if the said dummy candidate has filled in the nomination form with a signature of five proposers in that event his candidature be declared as an independent candidate and his nomination form would be treated as valid.

5. The petitioner submits that since there were some irregularities to implement the earlier notification issued by respondent No. 1 and, therefore, some of the candidates in the State of Maharashtra filed writ petition before Hon'ble High Court so also appeals before the District Courts in view of Rule 17(1)(B) of the Maharashtra Municipal Councils Rules, 1966. Respondent No. 1 realized its mistake to conduct election of the Municipal Councils in the State of Maharashtra issued a notification dated 29.11.2025, thereby stayed the elections of Nagar Panchayt in the State of Maharashtra in which declared by notification dated 04.11.2025. It is declared and accepted in the said notification that there are irregularities committed by the concerned Returning Officers in the Nagar Panchayats in the State of Maharashtra while conducting elections such as to allot symbols to the respective candidates was to extended till 26.11.2025 however, some of the candidates whose nomination form was rejected were approached before the competent Court and the results and the orders were not passed till the said date however, the symbols were allotted prior to the said date

and, therefore, respondent No. 1 stayed the election of the respective Nagar Panchayat from the stage of withdrawal of the nomination form. The petitioner submits that as per the above said notification issued by respondent No 1, it is declared that if the post of President of Nagar Panchayat or Nagar Parishad is found among the said irregularities, all the procedure of the election of the said Nagar Pachayat would be stayed and as per rules, to publish the election program for further steps of the elections from which it is completed. It means that if there is irregularity to the post of President, the election of the members also to be commence from the stage contemplated as per notification dated 29.11.2025. As such all the elections of the Nagar Panchayat including all the post of Members and President are to be commence freshly from the stage contemplated in the notification dated 29.11.2025. However, respondent No. 2 while publishing schedule-2 of the said notification declared only 5 posts along with President of Nagar Panchayat to work for elections. In fact, the election of all the posts of Newasa Nagar Panchayat is stayed and commenced as per notification dated 29.11.2025 and, therefore, schedule-2 published by respondent No. 2 in respect of only 6 post according to the posts is illegal.

6. Petitioner states that after getting knowledge about the notification issued by respondent No. 1, and schedule-2 published by

respondent No. 2, petitioner No. 1 on 01.12.2025 filed a detailed representation to the various authorities including respondent No. 3. It is specifically contended in the said representation that vide notification dated 04.11.2025, respondent No 1 has declared the date of voting as 02.12.2025, and also declared the date of result on 03.12.2025. As such, if some results of Nagar Panchayat and Nagar Parishad are declared on 03.12.2025, and in view of notification dated 29.11.2025, some results are declared on 21.12.2025, there would be prejudice in the mind of the voters and, therefore, code of conduct of elections would not be maintained and hence, petitioner requested to declare the results of elections on 21.12.2025. The petitioner is aggrieved with the notification dated 29.11.2025 to the extent of commencing the election process from the stage of withdrawal of the nomination form issued by respondent No. 1, and, therefore, the petitioner has filed present writ petition seeking direction to the State Election Commission to commence the revised election program from the stage of scrutiny of the election forms and not from the date of withdrawal of the nomination forms. The petitioners have further approached this Court seeking directions to permit the petitioner No. 2 to participate in the revised election program by ignoring his earlier withdrawal of his nomination form.

7. We have heard learned Advocate for the petitioner and also

the learned counsel representing State Election Commission. Learned Advocate for the petitioner has reiterated the grounds that has been stated in the petitioner and have submitted that petitioner No. 2 has withdrawn his nomination form in accordance with the election program which was published on 04.11.2025, however, now in the light of the revised election program dated 29.11.2025, the petitioners withdrawal has no meaning and, therefore, his nomination form which was held valid should be permitted to contest the elections for the post of President. He further argued that due to various guidelines issued by the State Election Commission from time to time in respect of the Election Program and furthermore by postponing the elections in respect of certain Nagar Parishad and Nagar Panchayat and scheduling it to be held on 28.12.2025, has actually created too much of confusion in the minds of voters also that of the candidates. It will be unconstitutional if counting and the results of the elections which are scheduled to be held on 02.12.2025 are postponed till the date of voting for the postponed local bodies take place on 28.12.2025 so that the voters can vote in the postponed elections with free and fair mind without being commenced by the election results that are likely to be declared on 03.12.2025 as per the original program. He therefore, prayed for postponing the counting of the votes and declaration of the results in respect of the election that are held on 02.12.225 as per the original program.

8. We have heard all the parties and have also considered the submissions raised by the present petitioners. In respect of the grievance of the petitioner pertaining to postponement for counting of votes and declaration of results in respect of election that took place on 02.12.2025 is concerned, this Court has already passed a judgment in Group of petitions in **Vinod Pundlikrao Chinchalkar Vs. State of Maharashtra and others** along with companion matters bearing Writ Petition No. 14417 of 2025 decided on 02.12.2025 thereby directing the State Election Commission and the Election Officers not to proceed with the counting of the votes and declaration of the results for the election that has concluded on 02.12.2025 i.e., today. Thus, by said judgment and order, this grievance of the petitioner is taken care of.

9. Other prayer of the petitioner that the revised election program should begin from the stage of scrutiny and not from the stage of withdrawal cannot be taken into consideration in the light of the above judgment and order delivered by us. In the above mentioned writ petitions, we have taken a considered view that at this stage of the election when voting was actually under process in pursuance to the election program dated 04.11.2025 and furthermore, we have held that we do not want to interfere in the revised election program dated 29.11.2025, relief prayed by the petitioner cannot be considered.

Directing respondent authorities to initiate revised election program from the stage of scrutiny of the nomination forms would contradict our own view in the aforesaid petitions and it also amounts to interference in the election process which at this stage we do not find it appropriate. Perusal of the revised election program dated 29.11.2025 clearly mentions that the election program has been revised only to accommodate and give opportunity to those candidates who has preferred appeal against rejection of the nomination forms and were the decision is in their favour permitting them to contests the elections. For this reason, authorities have decided stay of election from stage of withdrawal of the nomination forms and there is no reason as to why revised election program should begin from the stage of scrutiny of the nomination forms. Thus, petitioners prayer is accordingly rejected.

10. The relief sought by the petitioner seeking direction to the authorities to permit him to participate in the revised election program by ignoring the withdrawal of nomination form by petitioner No. 2 is also absolutely illegal and unsustainable. The petitioner in the entire petition has not raised any ground as to why petitioner No. 2 has withdrawn his nomination form and neither have placed any material on record to show that at any point of time petitioner No. 2 has made any request or representation to the State Election Commission or its officers about his

withdrawal of the nomination form. Once the nomination form stands withdrawn, there is no provision in the entire Act or Rules which permits the candidate to again contest the elections on the ground that the earlier withdrawal should be ignored. Such relief of the petitioner cannot be granted as it is not only untenable in law but is highly improbable.

11. In the aforesaid facts and circumstances, writ petition is devoid of merits. Writ petition stands dismissed with no orders as to costs.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi