

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12583 OF 2025**

Parveenbano M. Mujib BangiPetitioner

Vs.

The Returning Officer,
Maindargi Nagarparishad & Ors.Respondents

Mr. Vishwanath Patil (Through VC) with Mr. Somnath Thengal, for
the Petitioner.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 28th NOVEMBER 2025

PC.:-

1. The Petitioner submitted nomination for contesting election on the post of Member of Maindargi Municipal Council from Ward No.6A. The nomination of Petitioner has been rejected by Respondent No.1-Returning Officer noting mismatch in names on nomination form and final voter's list. The Petitioner's name has been mentioned in nomination form as "Bangi Parveenbano M. Mujib", whereas her name is appearing in voter's list as "Babude Parveenbanobibi Amina Imam". The Returning Officer while rejecting nomination of Petitioner gave reference to Circular issued by State Election Commission dated 13th March 2025, wherein

Clause No.(1) mandates that nomination of candidate must be as per the name appearing in voter's list. Aggrieved Petitioner assailed order passed by Respondent No.1 before learned District Judge in Election appeal No.3 of 2025, who concurred with opinion of Returning Officer and rejected appeal.

2. Mr. Vishwanath Patil, learned Advocate appearing for Petitioner relying upon observations of Division Bench of this Court in case of *Mohd. Talib s/o. Mohd. Sadique (Dr) v. Dr. A. S. Kuchewar*¹ and the observations referred therein from the judgment of Hon'ble Supreme Court in *Harrikrishna Lal v. Babulal Marandi*² would submit that when there is no dispute as to identity of person, merely on the ground of some defect in nomination form, Returning Officer cannot reject nomination.

3. The observations in aforesaid judgments clearly shows that if defect in nomination form is not of substantial nature, nomination cannot be rejected.

4. In case of *M. Talib (supra)* the Petitioner's name was shown in voter's list as 'Mohammad Talib', whereas in nomination it was

1 2007 (4) Mh.L.J. 557.

2 (2003) 8 SCC 613.

mentioned as 'Mohd. Talib'. The Court opined that abbreviation of 'Mohammad' as 'Mohd.' is commonly known and same cannot be treated as substantial defect. Similarly, in case of *Harikrishna Lal (supra)*, there was difference of 'Babulal Marandi' and 'Babu Marandi'. In that case also, affixing 'Lal' after 'Babu' was not considered as substantial difference and therefore, rejection of nomination was not countenanced.

5. In present case, admittedly, there is substantial difference in Petitioner's name, as stipulated in nomination form compared to voter's list. The explanation sought to be given is that the change in name is in deference of marriage. The Returning Officer as well as learned District Judge relied upon the Circular dated 13th March 2025, which stipulates that submission of nomination must be in accordance with name stipulated in voter's list.

6. Although Mr. Patil relied on Clause No.(5) of the same Circular which suggests that after valid acceptance of nomination, the candidate is entitled to get printed her maiden name with name after marriage. As such, liberty is given to validly nominated candidate to use both the names on the ballot paper. However, said clause cannot

be construed to dislodge mandatory requirements under Clause No. (1) of Circular, which states that nomination must be in consonance with name appearing in voter's list. It is trite that State Election Commissions are empowered to issue necessary instructions in the matter of conduct of elections and the instructions issued by them in exercise of its statutory functions are binding on Returning Officer. They are obliged to follow them in letter and spirit. In present case, Returning Officer has rightly relied upon Clause No.(1) of Circular, which is in form of instructions to Returning Officer and discharged his duties as per correct interpretation of the same.

7. The rejection of nomination in present case is because of substantial difference in Petitioner's name appearing in voter's list and nomination form. Except first name of Petitioner, entire name is differently mentioned. Apparently, nomination is rightly rejected by Returning Officer for justified reasons. Same order has been confirmed by learned District Judge.

8. No case is made out to cause interference in orders impugned, under Article 227 of Constitution of India. Hence, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)