

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5518 OF 2025

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Rahul Ramesh Bansode

... Petitioner

V/s.

Election Officer, Solapur Agriculture
Produce, Market Committee & Ors.

... Respondents

Ms. Rekha Musale i/by Mr. Balaji P. Shinde for the
petitioner.

Mr. Sarang S. Aradhye i/by Shantanu Gurav for
respondent No.1.

Mr. Abhijit Kulkarni with Chinmay Patil and Prasad
Bade for respondent No.3.

Mr. O. A. Chandurkar, Addl. G. P. with Snehal Jadhav,
AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 24, 2025

P.C.:

1. Challenge in this writ petition is to the order passed by the Returning Officer rejecting the nomination paper of the petitioner on the ground that the petitioner had allegedly incurred a disqualification, on account of being associated with the business of the society, which according to the Returning Officer, disentitled the petitioner from contesting the election.

2. The impugned order raises contentious issues that are inherently factual in nature. The central question—whether the

petitioner stands disqualified under the applicable statutory provisions on account of his association with the society's business—requires adjudication upon a detailed scrutiny of facts, documents, and the nature of such association, if any. Such disputed factual issues cannot be effectively adjudicated within the limited supervisory jurisdiction conferred upon this Court under Article 226 or 227 of the Constitution of India, which is essentially discretionary and equitable, and is not intended to supplant the machinery provided under the statutory scheme for resolving election-related disputes.

3. The consistent view of the Apex Court, as enunciated in *K. Venkatachalam v. A. Swamickan*, (1999) 4 SCC 526, and further reiterated in *Manda Jaganath v. K.S. Rathnam*, (2004) 7 SCC 492, is that challenge to the validity of rejection or acceptance of a nomination paper ordinarily lies by way of an election petition before the appropriate forum. The statutory mechanism is complete in itself and provides adequate safeguards including the opportunity to lead oral and documentary evidence, to substantiate or refute allegations concerning disqualification or eligibility.

4. The jurisdiction under Article 226 of the Constitution cannot be permitted to be invoked to short-circuit or bypass the election process, particularly when an efficacious remedy of election petition is available. Permitting the writ jurisdiction to be exercised at the pre-election stage, save in exceptional cases where there is a manifest illegality apparent on the face of record or a jurisdictional error, would amount to trenching upon the jurisdiction reserved

for the Election Tribunal and undermine the sanctity of the election process.

5. It is always open to the petitioner to avail the statutory remedy by filing an election petition in accordance with law, challenging the rejection of his nomination. If such election petition is instituted, the Election Tribunal, being the competent authority, shall examine the issue of disqualification de novo, on its own merits, without being influenced by any observation made in the present proceedings. Both parties shall be at liberty to adduce oral and documentary evidence in support of their respective stands.

6. It is clarified that the disposal of this writ petition shall not operate as an impediment or limitation upon the powers of the Election Tribunal in deciding any election petition that may be filed by the petitioner. The said Tribunal shall consider the question of alleged disqualification of the petitioner uninfluenced by the observations made herein, strictly in accordance with law.

7. With the aforesaid clarification, the writ petition stands disposed of. There shall be no order as to costs.

8. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)