



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 2813 OF 2025 WITH
WRIT PETITION NO. 7182 OF 2025

Sarmatiya Mohammad Asif Vs State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.R. Ingole, Advocate for petitioner.
Shri A.M.Kukday, Advocate for respondent No.1.
Shri H.D. Marathe, AGP for respondent No.2/State.

CORAM : ANIL S. KILOR and RAJNISH R. VYAS, JJ.
DATE : 24/11/2025

1. Heard.
2. This Court, on 21/11/2025, issued notice to the respondents and, on finding prima-facie case in favour of the petitioner, directed the respondents to allow the petitioner to contest the election. The reason for issuing such direction was the submission of the petitioner that he is the sponsored candidate of recognized political party, namely the Indian National Congress Party.
3. It is further argued that, being a sponsored candidate of a recognized political party, only one proposer is required and not five.
4. Shri A.M. Kukday, learned counsel appearing for Respondent No.1 – State Election Commission, has filed this application for modification of the order and pointed out that the petitioner is not the

sponsored candidate of the Indian National Congress, but one Shri Nagani Abdul Shakur Mohamamad Usman is. It is submitted that upon acceptance of the nomination form of Shri Nagani Abdul Shakur Mohamamad Usman, the petitioner's nomination was considered as an application filed by an independent candidate, and in that case, the requirement is of five proposers.

5. It is submitted that, since the petitioner was only a dummy candidate of the Indian National Congress, it would have been considered as a nomination of a sponsored candidate of a recognized party only if the nomination of Shri Nagani Abdul Shakur Mohamamad Usman had been rejected.

6. It is further submitted that since the candidature of Shri Nagani Abdul Shakur Mohamamad Usman has been accepted as the sponsored candidate of the Indian National Congress, the petitioner cannot be considered a sponsored candidate of the same party.

7. Considering the above referred submissions made by learned counsel for the respondent No.1, and on specific query to the learned counsel for the petitioner to show the A B Form issued by the recognized party to the petitioner, which is the requirement to submit along with nomination paper to show that the petitioner is sponsored candidate of the recognized political party, the answer is negative and it

is apparent that, no such A B Form or any document is filed on record showing that the petitioner is a sponsored candidate of Indian National Congress party..

8. In the circumstances, we find substance in the submission of the learned counsel for the respondent No.1 that the petitioner is an independent candidate and cannot be treated as a sponsored candidate of the recognized party i.e. Indian National Congress.

9. In the above referred circumstances, no error is committed by the respondent in rejecting the nomination paper of the petitioner on the ground that, nomination of the petitioner is not supported by five proposers which are required in case of any candidate other than the candidate sponsored by a recognized political party.

10. Accordingly, we vacate the interim order permitting the petitioner to contest the election and finding that no error is committed by the respondent in rejecting the nomination of the petitioner.

11. Hence, the writ petition is **dismissed** accordingly.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)