



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

Writ Petition No.7422/2025

Navita V Returning Officer, Shegaon Municipal Council Elections 2025 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Harnish Gadhia, Advocate for petitioner.
Mr. S.V. Narale, AGP for respondent no.1.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 27-11-2025.

Heard learned Advocate for the petitioner.

2. By this petition, the petitioner has challenged order dated 18-11-2025 passed by respondent no.1 Returning Officer of Shegaon Municipal Council Elections 2025 and also the judgment and order dated 25-11-2025 passed by the District Judge, Khamgaon in Election Appeal No.01/2025.

3. It is the petitioner's case that for contesting elections of the Municipal Council, Shegaon from Ward No.04A as a candidate of Indian National Congress, she submitted the nomination form. It is her case that even though she submitted the election form for Ward No.04A, but inadvertently, the Indian National Congress has issued AB Form in her name for Ward No.04B. This form was submitted to the Returning Officer and it came to be rejected by order dated 18-11-2025 on the ground that there was no AB Form for Ward No.04A in the name of the petitioner issued by the Indian National Congress. She submitted that after realizing the rejection of form on this ground, she attempted to submit a fresh AB form for Ward No.04A. However, the same was not allowed to be

substituted. Feeling aggrieved by the rejection of this nomination form, she filed Election Appeal No.01/2025 before the District Judge, Khamgaon. which came to be dismissed by judgment and order dated 25-11-2025, which is subjected to challenge by way of instant petition.

4. Learned Counsel for the petitioner submitted that immediately after the rejection of the nomination form, the petitioner had secured a proper AB Form from the Indian National Congress for Ward No.04A in her name and was thus entitled to get the new form substituted. He, therefore, submits that after rejection of nomination form of the petitioner, there is no candidate from their political party and to avoid this situation the petitioner's nomination form be directed to be accepted.

5. Undisputedly, the petitioner's nomination form came to be rejected for absence of AB Form from the said political party. The contentions canvassed by the petitioner before the appellate Court in this regard have been properly dealt with and no perversity is seen in the impugned judgment. The appellate Court has rightly appreciated the fact that after the rejection of nomination form on 17-11-2025, after 3.00 pm, there was no discretion left with the Returning Officer to permit the candidate to substitute any document much less the AB Form. The impugned judgment and order is well reasoned and needs no interference on any count.

6. The position of law about entertaining the petition challenging rejection of nomination form is settled by the judgment of Full Bench in the matter of *Karmaveer Tulshiram Autade and others vs State*

Election Commission, Mumbai, reported in *2021(2) Mh.L.J. 349* as stated in concluding paragraph of the said judgment, which is reproduced below as under :-

“68. For the reasons aforesaid, while agreeing with the view in Vinod Pandurang Bharsakade (supra), we answer the fundamental question as formulated in paragraph 27 in the sng wpst-26 & 28.2021 negative. As a sequel thereto, we answer the questions referred by the Division Bench in the manner as follows:-

(i) Allowing a challenge in a writ petition to rejection of nomination form to contest an election and granting the relief claimed by setting aside such order of rejection is definitely not a step to sub-serve the progress of election and/or facilitate its completion in the sense enunciated in Mohinder Singh Gill (supra) and explained in Ashok Kumar (supra) though it may not always amount to intervention, obstruction or protraction of the election;

(ii) Article 243-O(b) of the Constitution of India is a bar for entertaining a writ petition under Article 226 of the Constitution against an order passed by the Returning Officer rejecting nomination paper and such provision would clearly be attracted whenever a writ petition is presented before a Court for its consideration; and

(iii) The law laid down in Vinod Pandurang Bharsakade (supra) represents the correct view of law; consequently, we hold that the decision in Smt. Mayaraju Ghavghave sng wpst-26 & 28.2021 (supra) and Sudhakar s/o Vitthal Misal (supra) do not lay down the correct law;”

In view of this position of law, the writ petition challenging rejection of nomination form need not be entertained.

7. Having regard to the above mentioned factual and legal aspects, no indulgence is warranted with the impugned orders. Writ Petition is therefore dismissed. No order as to costs.

(Prafulla S. Khubalkar, J.)