IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 13971 OF 2026

SAGAR SHASHIKANT SALUNKHE
VERSUS
THE STATE OF MAHARASHTRA THR SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Deshmukh Aniket V.
AGP for Respondent/s-State : Ms. Dr. Kalpalata Patil Bharaswadkar.
Advocate for Respective Respondents : Mr. S. K. Kadam.
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CORAM : MANJUSHA A. DESHPANDE, J.
DATE : 09.10.2026

PER COURT :-

1. Although the Office remark shows that, the matter lies before the Division Bench, in view of the prayer made by the petitioner in prayer clause (B). The learned advocate for the petitioner submits that, he would not press for the relief sought in prayer clause (B) and he would be satisfied if directions are issued to respondent No.2 to decide his application before passing any final order, in Election petition No.1 of 2023 pending before the District Election Officer, District Jalgaon (The Maharashtra Agricultural Produce Market Committee)/District Deputy Registrar Co-operative Societies, Jalgaon, challenging the validity of the election results of the APMC, Chalisgaon.

2. The petitioner was one of the candidate in the said election of APMC, Chalisgaon and after the declaration of election, the petitioner was declared to have secured 442 votes, whereas respondent No.5 was declared to have secured 440 votes. In view thereof, the petitioner was declared as a successful winning candidate. After that, respondent Nos.5 and 6 filed an application for recounting of votes. The Returning Officer had allowed their applications and after recounting found no change in their votes. In spite of the fact that, the Returning Officer did not find any change after recounting of votes. It is alleged that, under the pressure of local M.L.A., Returning Officer had illegally recounted the votes and two votes cast in favour of petitioner were declared as invalid by the Returning Officer. As a result of which, respondent No.5 was declared elected candidate.

3. Being aggrieved by the said order of respondent No.3, the petitioner has filed Election dispute. During the pendency of the election dispute before respondent No.2, the petitioner had filed an application on 06.03.2024, to produce all the material that was used in the election and also produce the ballot papers and for recounting of the votes. As the said application was turned down, the petitioner has approached

this Court in Writ Petition No.5336 of 2024, in which, this Court after hearing the respective parties has passed an order directing the Returning Officer to maintain custody of ballot boxes and the election record till hearing and final disposal of the election dispute and make available such record to the Presiding Officer/District Election Officer In-charge of Election Dispute, as and when directed at an appropriate stage of recording evidence. With the aforementioned directions, the Writ Petition has been disposed of.

4. It is the contention of the learned advocate for the petitioner that, in spite of the directions issued by this Court when the, petitioner has filed an application dated 02.09.2026 requesting the District Election Officer to bring the ballot boxes and conduct recounting of votes from the aforementioned ballot boxes which were directed by this Court to be preserved and used during the evidence, without passing any order on the application filed by the petitioner, respondent No.2 has closed the proceedings in the election dispute for passing of orders on 01.10.2026.

5. Thus, being aggrieved by the conduct of respondent No.2, the petitioner has approached this Court with a limited prayer seeking direction to respondent No.2 to pass

appropriate orders on his application. The learned advocate for the petitioner Mr. Deshmukh makes a candid statement that, till date no orders have been passed by the District Election Officer.

6. Learned advocate for respondent No.2 Mr. Kadam submits that, he does not have any instructions as to whether or not any order has been passed by respondent No.2 till this date. However, considering the statement made by the learned advocate for the petitioner across the bar, I find that, the Election Dispute cannot be decided by keeping the application of the petitioner pending. Hence, it would be appropriate to direct respondent No.2 to decide the application filed by the petitioner on 02.09.2026 before passing final orders in the election dispute No.1 of 2023. Accordingly, the respondent No.2 is directed to decide the pending application of the petitioner before finally deciding the Election Dispute No.1 of 2023.

7. With the aforementioned directions, Writ Petition stands disposed of.

(MANJUSHA A. DESHPANDE, J.)

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vmk/-