



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

57 WRIT PETITION NO.4597 OF 2026

Rekha Gautam Pawar

VERSUS

The State Of Maharashtra Thr. Its Principal Secretary Rural
Development Dept. And Ors.

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Advocate for Petitioner : Mrs. S.G. Sonawane

AGP for Respondents : Mr. S.D. Ghayal

Advocate for Respondent no.2 : Mr. Akshay Pansare h/f Mr.
Sachindra Shethye

CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 27, 2026

PER COURT :-

1. Learned advocate appearing for the petitioner, after arguing for some time, seeks permission to withdraw this writ petition in view of bar laid down by a Judgment of the Full Bench of this Court in case of **Karmaveer Tulshiram Autade and others Vs. State Election Commission, Mumbai and others Reported in 2021 (2) Mh.L.J. 349**, wherein it is observed as under :-

“60. We repeat, a reading of the decision in Ashok Kumar (supra) reveals that Mohinder Sing Gill (supra) amplified N.P. Ponnuswami (supra) rather than disagreeing therewith or dissenting therefrom or in any manner doubting the same. Insofar as rejection of a nomination form by the Returning Officer and challenge to such decision during the process of election before the High Court under 226 of the

Constitution are concerned, where Article 329(b) is attracted, N.P Ponnuswami (supra) is the decision which holds the field and binds us. The bar of Article 243-O(b), on the same analogy, would spring in as and when the High Court is approached under Article 226 of the Constitution and urged to examine whether nomination form has been rejected in accordance with law in respect of an election covered by Part IX of the Constitution. Whatever be the reason for rejection of nomination, its quality sub-standard or otherwise is neither material nor relevant when the challenge is laid at an intermediate stage of the election by an intending candidate seeking orders from the Court to participate in the election though the Returning Officer has rejected his nomination. We hold so in view of the Court in N.P Ponnuswami (supra) not even considering it necessary to refer to the grounds of rejection of the nomination paper of the appellant in view of the clear enunciation of law that the law of election does not contemplate an intermediary challenge when, by law, a forum is constituted and made available by any statute for resolution of an election dispute which would take within its fold validity of an election challenged on the ground of improper rejection of the nomination paper.”

2. In that view of the matter, with liberty to take up remedy as is permissible under law against impugned order, Writ Petition stands **disposed of** as withdrawn.

(S. G. CHAPALGAONKAR, J.)

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