

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

WRIT PETITION NO. 1253 OF 2026

Narhari Shrirang Janrao

.. Petitioner

Versus

Maharashtra State Election Commission
& Ors.

.. Respondents

...

Mr. Prajakt M. Arjunwadkar i/by Mr. Kalpesh Patil, Advocates for the
Petitioner.

Mr. Sachindra B. Shetye with Mr. Akshay Pansare and Nipun
Sawane, Advocates for Respondent Nos.1 and 2.

Mr. Mahesh Deshmukh i/by Mr. Siddharth Karpe and Mr. Vishwajeet
Mohite, Advocates for Respondent No.3.

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**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 28th JANUARY 2026.

P.C. :

Aggrieved by the order dated 22nd January 2026 by which the
Election Returning Officer declined to decide the objection raised by
the petitioner, the petitioner has invoked the jurisdiction of this Court
under Article 226 and Article 227 of the Constitution of India.

2. Mr. Prajakt M. Arjunwadkar, the learned counsel for the
petitioner states that the petitioner produced clinching evidence in the
nature of birth certificates of the children fathered by the respondent
no.3 but the objection raised by the petitioner was not decided. The
statement made at the Bar is that the Election Returning Officer has
jurisdiction to decide all objections on merit and the order dated
22nd January 2026 is, therefore, liable to be set aside.

3. In the order dated 22nd January 2026, the Election Returning Officer has recorded the statement made by the respondent no.3 in his affidavit that he has only two children. On the other hand, the petitioner has stated in paragraph no.8 that the respondent no.3 has made a false statement in his nomination form that he has only two children. Quite apparent a dispute on fact, a serious dispute, has been raised by the petitioner himself by saying that the respondent no.3 falsely stated that he had only two children. It was in the context of the factual dispute involved in the matter that the Election Returning Officer has observed that he has no jurisdiction to decide the objection filed by the petitioner.

4. Writ Petition No. 1253 of 2026 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]