

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

WRIT PETITION NO.1400 OF 2026

Suvarna Dada Thorat

.. Petitioner

Vs.

The Returning Officer,
Zilla Parishad and Panchayat Samiti,
Baramati Election 2026 and Ors.

.. Respondents

Mr. Sushant Prabhune with Mr. Atharva Gunwant, Advocates for the Petitioner.

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

Mrs. Neha S. Bhide, Government Pleader with Mr. K.B. Dighe, Additional Government Pleader and Mrs. V.R. Raje, Assistant Government Pleader for Respondent No.9-State of Maharashtra.

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

DATE : 3RD FEBRUARY 2026.

P.C. :

The petitioner is aggrieved by the order dated 22nd January 2026 passed by the respondent no. 1 rejecting her nomination form filed for the election of the Zilla Parishad Pune and Panchayat Samiti, Baramati General Election, 2026. It is submitted that the impugned order is passed without following the due process laid down in the Maharashtra Panchayat Samiti (Electoral College and Conduct of Elections) Rules, 1962.

2. As to the maintainability of a writ petition to challenge the rejection of a nomination form by the Returning Officer, a Full Bench of this Court referred to Article 243 of the Constitution of India in “*Karma Veer Tulshiram Autade & Ors. v. State Election*

Commission, Mumbai & Ors.” 2021 SCC OnLine Bom 37 and held that filing of a writ petition is not a plea to subserve the progress of election and/or facilitate its completion, as indicated in “Mohinder Singh Gil & Anr. v. Chief Election Commissioner, New Delhi & Ors.” (1978) 1 SCC 405. The Full Bench held 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 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 subserve 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 243-0(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 (supra) and Sudhakar s/o Vitthal Misal (supra) do not lay down the correct law.”*

3. Writ Petition No.1400 of 2026 is dismissed as not maintainable.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]