

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 1010 OF 2012

Sow Anita w/o Sudhakar Mali (Fase)

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.S. Tanwade, advocate for petitioner.

Mr. K.S. Patil, AGP for the State.

Mr. S.T. Shelke, advocate for respondent nos. 2 & 4.

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CORAM : R.M. BORDE, J.

DATE : 31st JANUARY, 2012

PER COURT :

1. Petitioner is desirous of contesting election to Zilla Parishad, Osmanabad and as such she tendered her nomination paper within prescribed period. However, petitioner who belongs to backward community failed to tender validity certificate issued by competent authority alongwith nomination paper which is requirement as laid down under section 12-A of the Maharashtra Zilla Parishads & Panchayat Samitis Act. The Returning Officer, therefore, rejected nomination paper tendered by

petitioner on account of non-observance of provisions of section 12-A of the Act. Rule 20 of Maharashtra Zilla Parishad (Electoral Divisions & Conduct of Elections) Rules, 1962 provide for filing an appeal against order of rejection of nomination paper within a period of three days. However, petitioner failed to tender appeal to the District Court as required under the Rules and approached this court directly putting forth her grievance in respect of rejection of nomination paper. Petitioner has not availed of the remedy provided under the Statute. As such petition is not entertainable. The fact also remains that the petitioner failed to tender her caste validity certificate alongwith nomination paper and has not fulfilled requirement laid down under section 12-A of the Act. The Returning Officer was therefore justified in rejecting the nomination paper tendered by petitioner. Petition being devoid of substance stands rejected.

(R. M. BORDE)
JUDGE

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