

Wadhwa

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 15993 OF 2023**

Subhash Shyamnarayan Yadav & Anr ...Petitioners  
*Versus*  
State of Maharashtra through its Department of  
Law and Judiciary & Ors ...Respondents

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**Mr Pramod N Patil**, *with Ajit Hon, i/b PNP & Associates, for the*  
*Petitioners.*  
**Mr MC Walimbe, AGP**, *for Respondents Nos. 1 & 3.*  
**Mr Devidas B Bhanage**, *Election Officer, Respondent No. 4-present.*

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**CORAM    Kamal Khata &**  
**Jitendra S Jain, JJ.**  
**DATED:   27th December 2023**  
**(Vacation Court)**

**PC:-**

1.     Mr Devidas B. Bhanage, Respondent No. 4 is present before the Court. He fairly submits that he has not given a hearing to the Petitioners for the objections raised in their letter dated 18th December 2023. He submits that the ballot papers have already been printed.

2.     In response to this, the Petitioners submits that the application for awarding the common symbol was made by 9 applicants on 15th December 2023.

3. On 18th December 2023, they discovered that two of the Petitioners were excluded from the list tendered on 15th December 2023 whilst allotting the common symbol. In fact, whilst seven (7) of the nine (9) applicants were allotted the 'Autorickshaw' symbol the two (2) Petitioners were allotted two other symbols namely, 'Balloon' and 'Almari' as particularly stated at item Nos. 28 and 29 at page 53 of the Petition.

4. Having heard all concerned, we see no prejudice whatsoever being caused to any party if the ballot papers are to be reprinted. We are informed that the ballot papers have not yet been distributed.

5. In view thereof, the Respondents are directed to reprint the ballot papers and thereafter distribute the same. It must be borne in mind that the Petitioners should be granted the symbol of 'Autorickshaw' as applied for by them in their application of 15th December 2023 chronologically. The list at Exhibit 'J' will necessarily be required to be changed in that regard, in the same manner.

6. With the aforesaid directions, the Petition is disposed of.

7. No orders as to costs.

8. Parties to act on an authenticated copy of this order.

**(Jitendra S Jain, J)**

**(Kamal Khata, J)**