

MHAM190001552026 	Presented on : 13/04/2026 Registered on : 13/04/2026 Decided on : 06/06/2026 Duration : 00Y. 01M. 23D
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**IN THE COURT OF DISTRICT JUDGE-1, WARUD,
DIST. AMRAVATI.**

(Presided Over by Amitabh A. Panchbhai)

Election Petition No.01/2026

Exh. No.

Mr. Jayant Vasantrao Dhole,
Age: 56 years, Occu: Advocate,
R/o. Radha Krushna Colony, In front of
S.T.Depot. Morshi, Tq. Morshi, District
Amravati. **PETITIONER**

-VERSUS-

1) **The Presiding Officer/ President,**
(Sau. Pratiksha Ravindra Gulhane)
Municipal Council Morshi,
Tq. Morshi, District Amravati.

2) **The District Collector,**
Collector Office, Amravati,
Tq. & District Amravati.

3) **The Nominated officer/ Deputy
Collector (Revenue),**
Collector Office, Amravati,
Tq. & District Amravati.

4) **The Assistant Commissioner,**
Urban Development Branch,

RESPONDENTS

Collector Office, Amravati,
Tq. & District Amravati.

- 5) **The Chief officer,**
Municipal Council Morshi,
Tq. Morshi, District Amravati.
- 6) **Satish Manoharrao Dafale,**
Aged about 50 years, Occu.: Business,
R/o. Behind New S.T.Depot. Prashant
Colony, Morshi, Tq. Morshi, District
Amravati.

**ELECTION PETITION UNDER SECTION 21(1) OF THE
MAHARASHTRA MUNICIPAL COUNCILS, NAGAR
PANCHAYATS & INDUSTRIAL TOWNSHIPS ACT, 1965**

Petitioner in person.

Shri. S. D. Ghodeswar APP for the Respondent no. 2 to 4

Shri. A. L. Behare advocate for the Respondent no. 1 & 5

::J U D G M E N T ::
(Delivered on 06th Day of June 2026)

Being aggrieved by the proceeding for election/
selection conducted by respondent no. 2 for electing the
nominated councilors for Municipal Council Morshi vide
Resolution no. 39 passed in meeting conducted on
25/03/2026, as per notification dated 16/03/2026, thereby
declaring respondent no. 6 as the appointed councilor by
nomination resulting in defeating the interest of petitioner, the
legality and validity of same is being challenged by the
petitioner in this present election petition, under Section 21(1)

of the Maharashtra Municipal Councils, Nagar Panchayat and Industrial Township Act, 1965.

Facts giving rise to the present petition are as under :-

02] That the petitioner is the Citizen of India and native of village Morshi having his name recorded as the voter in the voter list for Municipal Council Morshi. (hereinafter referred to as 'Council' in short). That the general election for the council was declared as per election program published by Government of Maharashtra on 04/11/2025 for electing total 25 councilors including 24 councilors, and one president by mode of direct election through public which was conducted on 02/12/2025. That as per rules, some councilors are to be taken in council by nomination which earlier popularly known as mode of Co-option. As such respondent no. 1, as the newly elected President is under obligation to conduct process for appointment of councilors in council by electing by nomination in the first meeting of newly elected council as per the rules and procedure contemplated by the provisions of the Maharashtra Municipal Councils and Nagar Panchayats (Qualifications & Procedure for Appointment of Nominated Councilors) Rules, 2010 which came to be changed and modified time to time.

03] Accordingly respondent no. 1 President declared election program for conducting process for appointment of councilors by nomination in first meeting of council to be scheduled on 13/01/2026 as per notification dated

05/01/2026 and forwarded the same to respondent no. 2 Collector Amravati for necessary consent and further process to be conducted through the respondent no. 3 to 5 officers for appointment of nominated councilors by election / selection in first meeting of newly elected municipal council to be presided over by the respondent no. 1 in the capacity of Presiding officer and President.

04] That as such respondent no. 1 President and the respondent no. 3, nominated officer / Deputy Collector (Revenue) Amravati has conducted the process for appointment of nominated councilors in meeting dated 13/01/2026. That the respondent no. 4 has decided and clarified the quota of total 3 posts for the nominated councilors as per the comparative strength of the newly elected councilors of the different political parties. As such the quota of three post of nominated councilors were declared as shown in chart below-

Sr. No.	Name of Party	Allowed members	Qualified / Disqualified nominations letters	Remark
01	Bhartiya Janta Party	01	03 Qualified	Valid
02	Bhartiya Rashtriya Congress Party	01	01 Qualified	Valid
03	Nationalized Congress Party (Sharadchandra Pawar group)	01	01 Disqualified	Invalid

05] That in the light of above mentioned quota fixed for the appointment of nominated councilors two councilors namely Sau. Sarita Sachin Umale was appointed as the nominated councilor from the quota of Bhartiya Janta Party and Sayyad Riyaz Sayyad Hamja was appointed as nominated councilor from the quota of Bhartiya Rashtriya Congress Party. However, the third post of nominate councilor fixed as the quota for Nationalized Congress Party (Sharadchandra Pawar) could not get appointed as the only nomination paper submitted for the same by respondent no.6 Satish Manoharrao Dafale was held as invalid.

06] That considering the remaining one vacant post for the appointment of nominated councilor from the quota of Nationalist (Rashtrawadi) Congress Party (Sharadchandra Pawar) against respondent no. 1, President/ Presiding officer had declared a fresh program for appointment of nominated councilor against vacant post in general meeting to be conducted on 25/03/2026 as per notification bearing Ref. No. NPM/ O.W./NAVI/1644/2026 dated 16/03/2026.

07] That as per the procedure contemplated for submitting the form by intending candidate for the election by nomination to be conducted on 25/03/2026, as per notification dated 16/03/2026, petitioner submitted form on 24/03/2026. That respondent no. 6 also submitted form for contesting the process of nomination. As such after scrutiny of the received form, respondent no. 3, nominated officer/ Deputy Collector

(Revenue) Amravati declared both the nomination letters/forms submitted by petitioner and respondent no. 6 as valid.

08] That accordingly respondent no. 1 conducted the proceedings for the meeting for selection on 25/03/2026 in meeting hall of Municipal Council Morshi. However, necessary procedure was not followed as per guidelines by G.R.No. Misc-2016/PK-466/NV-20, dated 21/12/2016 and the presiding officer failed to accept the recommendation of respective candidates made by group leader of respective parties and groups in the house. That Sau. Priti Deshmukh the group leader of BJP party has recommended selection of petitioner as member of council by nomination, but respondent no. 1 refused to accept such recommendation, and so the declaration of nomination of respondent no. 6 by nomination directly is not valid for lawful process. That immediately after such oral declaration of nomination written resolution was shown which was already written and prepared and therefore an objection was also submitted by Sau. Deshmukh. That CCTV footage, minute book, proceeding documents etc. was sought by request letter but it was not provided and therefore, illegal proceedings have been conducted by respondents by going out of way to nominate respondent no.6, which was eventually published. Therefore this election process is challenged by the petitioner on following grounds:-

i) There is a clearcut violation of program notified on 16/03/2026

- ii) Neither the forms submitted by respondent no.3 were read out nor the process of nomination was clarified according to comparative strength of the political party or group.
- iii) The nomination paper/ form of respondent no.6 was declared invalid in earlier program which was declared as valid in the second program which appears doubtful.
- iv) The charity institution where respondent no.6 worked was deregistered earlier at the time of earlier nomination and therefore the same was ignored by respondents and thus irregularity and illegality has been committed by respondents by adopting corrupt practices.

08] The respondents no. 2 to 4 have appeared and filed their say vide Exh.26 to the interim application and resisted the claim of the petitioner. They have submitted that the petitioner and respondent no.6 submitted their respective nomination forms. Respondent no. 3 for the purpose of verification, once again sought information from the office of respondent no.6. Upon receipt of the order passed by the Charity Commissioner, it was revealed that the said NGO of respondent no.6 had been restored. In view of said development, respondent no. 3 upon due scrutiny, declared the nomination form of respondent no.6 as valid along with that of the petitioner. They have submitted that entire process was conducted by respondent no. 2 to 4 strictly in accordance with law and the applicable statutory provisions. There is no illegality, irregularly, or procedural lapse in the said process and prayed for dismissal of the petition.

09] The respondent no. 1 and 5 have also appeared and filed their say to the interim application vide Exh.27 and resisted the claim of the petition on similar grounds. It was specifically pleaded by them that according to the relative strength of the respective political parties, only one person from the BJP party can be nominated and Sau. Umale was already elected and on 13/01/2026 one person was nominated only by the said BJP party, and therefore no question of again filing any nomination from their side which is overlooked by petitioner and therefore he has no locus-standi to file another nomination and therefore petition be rejected. It is pertinent to note here that vide pursis at Exh.32 the respondent no. 1 and 5 have adopted this say vide Exh.27 as their written statement. There is no written statement from respondent no. 2 to 4, however the petitioner was instrumental in making an urgent hearing, due to which the whole hearing for Exh.5 was converted into a final argument and therefore the say of respondent no. 2 to 4 vide Exh.26 shall be considered as their written statement.

10] On the basis of pleadings of the parties, and after availing an opportunity by the parties to adduce evidence through their respective affidavits for specific facts and to advance submissions, this court has framed the following points.

11] Following points arise for my determination, and I proceed to record my findings thereon for the reasons given

below:-

No.	POINTS	FINDINGS
1]	Whether the petitioner proves that the respondents made violation of the notified program for election/ appointment by nomination or did not follow the due process of law or adopted any corrupt election practices?	...In the negative
2]	Whether the petitioner proves that the respondent no. 6 was not entitled to submit nomination paper / form on 20/03/2026 again for contesting election?	...In the negative
3]	Whether the petitioner is entitled for quashing and setting aside the appointment of respondent no. 6 ?	...In the negative
4]	Whether the petitioner is entitled to be appointed as Municipal councilor by nomination ?	...In the negative
5]	What order ?	As per final order.

::REASONS::

AS TO POINT NOS. 1 to 5:-

12] Since the points are interconnected with each other, they are discussed together for facilitation of the appreciation of the evidence on record.

13] It is pertinent to note here that the parties have argued the matter on 08/05/2026 on Exh.5 i.e. for temporary injunction and the matter was kept for orders post summer vacation on 10/06/2026. However the matter was taken upon board for urgent hearing on 01/06/2026 and citations were produced which were not pressed later. Eventually the matter was sought to be disposed off the matter finally, vide Exh.41, by filing pursis to that effect and prior to that Exh.37 was filed to take the hearing and dispose off the matter. There was no objection from the other side to do so, hence order was passed on Exh.1 seeking consent of the respondent counsel to treat the earlier argument as their final arguments, and matter was posted for final argument/ judgment. Heard the counsels from both the sides.

14] On perusal of the entire record of the case, what evinces is that, the appellant has brought this petition on the count that the respondent no. 1 and 5 have conducted and completed the process of selection/ election of the councilor by nomination as per their own whims and fancies without following the due process of law and declared the respondent no. 6 as appointed member of the Municipal Council Morshi by nomination on 25/03/2026.

15] The petitioner has filed this petition on affidavit filed by respondent no. 2 to 4 and 1 and 5 to the interim relief application vide Exh.26 and 27 respectively along with affidavit in support. The respondent no. 1 and 5 have filed the pursis

vide Exh.32 to consider their reply to Exh.5 as their written statement to the main petition.

As to Ground no.1 :- Clearcut violation of program notified on 16/03/2026

16] The notification copy dated 16/03/2026 is filed as Annexure-III by the petitioner, which clearly demonstrate in para no. 2, that the scrutiny of the forms would be done by the Nominated officer and as per GR dated 21/12/2016 according to relative strength. Now the alleged violation done by the respondents is that different steps of program like staking cognizance of direct oral declaration followed by subsequent written resolution was not done. However it appears that there was no specific objection taken of any scrutiny of the validity of the nomination paper by the nominated officer. According to the GR of 21/12/2016 para 3 coloumn 6 clause E, the scrutiny done by the nomination officer and the decision of its validity at the end of the scrutiny is conclusive on the President of the council for appointment and therefore there appears no discrepancy in regards to ground no.1.

As to Ground no.2 :- No read out nor the process of nomination was clarified

17] On perusal of the copy of resolution no. 39 dated 25/03/2026 which is produced as Annexure 9, the perusal of the same makes it clear, that there was no reading out of the nomination and the nomination was done as to the

consideration of the relative strength of the political parties. It is pertinent to note here that in the earlier nomination of one each member from the BJP and the Indian National Congress and was nominated and validated, whereas there was invalidity of the nomination from the NCP (Sharad Pawar Group), because his nomination was declared as invalid and therefore the according to relative strength of the political party, the nomination should go to the said NCP political party only, and they found out at the end of scrutiny only two person's nomination was held valid, one of the petitioner and another of Satish Dafale, who got eventually nominated and only relative strength was considered and oral declaration was made. It is pertinent to note here that there is no specific provision given for the process to be adopted in case of renomination and neither of discussing the recommendations, or taking all members of council in confidence or taking their consent or voting in the process, Therefore as there is no formal process for nomination, therefore there appears no violation of any election program or of GR dated 21/12/2016.

As to Ground no.3 and 4 :- Invalid nomination paper form of respondent no. 6 and irregularity and illegality has been committed by respondents by adopting corrupt practices.

18] It is important to note here that as per rule 05 of the Maharashtra Municipal Council, Nagar Panchayat (qualifications and procedure for appointment of nominated councilors) Rules, 2010 the nominated authority has to ensure

that each member nominated for selection is qualified as per clauses (a) to (g) of rule 4. The qualification or nomination is of having special knowledge or experience and being an expert in one of the seven different qualification as prescribed therein. Therefore as per clause 4(g) the experience is only of five years as an officer bearer of a registered NGO, when the NGO got de-registered the nomination of respondent no. 6 was decided invalid in earlier process, but when it was declared as re-registered, his nomination was declared as valid. The experience is a qualitative one and not quantitative depending on the registration of NGO, if he was officer bearer for adequate period of five years, then his experience is also adequate, and this nomination paper was held as valid, which is conclusive. Then there is no question of considering this validation of candidature for nomination as a corrupt practice.

Conclusion:-

19] According to rule 5 of the Maharashtra Municipal Council , Nagar Panchayat (qualifications and procedure for appointment of nominated councilors) Rules, 2010, the Collector (Nominated Officer) has a discretion to appoint a person who does not belong to any recognized party or group, even when the relative strength of the parties is to be considered. Now what it means is there is general rule which has to be priority first, which the rule no. 5 primarily mandates and the word 'shall' used in rule no.5 makes it mandatory for the Collector (Nominated Officer) to take into account the

relative strength of recognized parties/ group in the council. The nominations should be in proportion to this strength, and the Collector (Nominated Officer) is required to consult the leader of each of such parties or groups.

THE EXCEPTION :-

20] The proviso to rule 5 is an exception, to provide that the Collector (Nominated Officer) is not prevented from nominating any member not belonging to any such party or group. However the interpretation or the meaning of these two provisions can be culled out by reading them together, and what emanates, is that it acts as a 'saving clause'. That means the Collector (Nominated Officer) is bound to follow the mandate but he has discretion as well to nominate a qualified individual who is 'independent' or not affiliated to any political party or group, notwithstanding the proportional representation rule. The object is to have a benefit of a presence of a person who has a special knowledge or experience in Municipal administration having one of the qualifications provided in rule-4. So they have to be read in conjunction with rule no.4 which talks about eligibility i.e. having special knowledge or experience in Municipal administration, 'and' one of the seven different qualifications prescribed by clause (a) to (g) of the rule no.4.

21] Merely because a person has special knowledge or experience, he does not become eligible, but unless and until he has, along with an additional qualification as prescribed by rule

4 he does not become qualified or eligible and therefore, this discretionary power appears to be invested with the Collector (Nominated Officer) to nominate a member not belonging to any group or party. So he generally follows the recommendation based on the parties strength but because he is empowered otherwise by the proviso he is not legally barred from appointing an outside candidate than from political parties. This rule allows the induction of experts like doctor, engineers, chartered accountants, educationist, advocates who can improve governance without needing to win a political campaign. Therefore according to this court, it is a rule having democratic value. Because it balances democratic party representation with technocratic expertise. Giving the Collector (Nominated Officer) a discretion to nominate non party members helps keep the local administration focused on civic development rather than pure political rivalry. Therefore, in nutshell, the Collector (Nominated Officer) has to apply a very strict and high eligibility criteria of special municipal knowledge and experience of technical nature as defined in rule no.4. Hence if the respondent no. 6 was having that eligibility and that expertise, then it was perfectly within the neutral authorization of bureaucrat like Collector (Nominated Officer) to apply the discretion as he thought fit, then it cannot be said by any stretch of imagination, that there was any illegality, irregularity or procedural lapse in the said process as per the relative strength of the parties. The nomination did belong to the NCP party only, and therefore if the nominated

officer and the present President had nominated the respondent no. 6, who had a valid candidature , it is the legitimate expectation to do so. The nomination appears legal.

22] The counsel for the petitioner has relied on the authority of **Rajaram Appa Patil and another –vs-- State of Maharashtra reported in AIR online-2018 Bom.-1071**, in which it was held that “the said provisions of section 63 (2B) cannot be read in the manner that if the party possessing higher strength of councilors does not nominate any candidate then still the party with the lessor strength should not nominate of the candidate nominated by such party should not be considered”. The facts of the above case are different. In the above case BJP party did not recommend name any person as a nominated councilor. Whereas Shiv Sena party nominated petitioner no.1 and the District Collector (Nominated Officer) refused nomination of petitioner no. 1 for appointment and endorse disqualified. It was set aside by the Hon’ble High Court. The facts are different and therefore not considered.

23] The counsel of petitioner also relied on the authority of **Sharanbasappa Khambad..vs.. State of Maharashtra, 2015(3) All M.R. 852**, in which it was held that “the petitioner has locus to challenge the nomination by filing writ petition. The petitioner was a voter and a citizen”. The facts are different and the present petition is election petition and not objected by other side, hence this case law is also not accepted.

24] Considering the above discussion as made and as the preponderance of the probability is not in favour of the petitioner, but it is in favour of the respondents, and therefore the petitioner has failed to prove that the respondents made violation of the notified program for election/ appointment by nomination or did not follow the due process of law or adopted any corrupt election practices or the respondent no. 6 was not entitled to submit nomination paper / form on 20/03/2026 again for contesting election or petitioner is entitled for quashing and setting aside the appointment of respondent no. 6. Hence the points no. 1 to 4 are determined in the negative. In the net result, after making due inquiry, the petition is liable to be dismissed with costs. The petitioner has to pay the costs to the respondent and bear his own costs as the costs would follow the event. Hence following final order is hereby passed as under:-

ORDER

- 01] The petition is hereby dismissed with costs.
- 02] The petitioner to pay the costs to the respondents and bear his own costs.
- 03] Petition is hereby disposed off.

Date: 06/06/2026.

(Amitabh A. Panchbhai)

District Judge-1,
Warud.