

ITEM NO.17

COURT NO.3

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 19756/2021

(Arising out of impugned final judgment and order dated 22-10-2021 in WP No. 11744/2021 passed by the High Court Of Judicature At Bombay At Aurangabad)

RAHUL RAMESH WAGH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No. 68407/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 161602/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 23878/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 156051/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 73438/2022 - EXEMPTION FROM FILING O.T., IA No. 23879/2022 - EXEMPTION FROM FILING O.T., IA No. 156052/2021 - EXEMPTION FROM FILING O.T., IA No. 19520/2022 - EXEMPTION FROM FILING O.T., IA No. 7458/2022 - INTERVENTION APPLICATION, IA No. 6134/2022 - INTERVENTION APPLICATION, IA No. 28258/2022 - INTERVENTION APPLICATION, IA No. 68401/2022 - INTERVENTION/IMPLEADMENT, IA No. 419/2022 - INTERVENTION/IMPLEADMENT, IA No. 8129/2022 - MODIFICATION OF COURT ORDER, IA No. 156048/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 19518/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 156049/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS, IA No. 422/2022 - RECALLING THE COURTS ORDER)

WITH

Diary No(s). 21539/2022 (X)

W.P.(C) No. 533/2022 (X)

Date : 28-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE J.B. PARDIWALA

For parties:

Mr. Hrishikesh Chitale, Adv.

Mr. Vijay Kari Singh, Adv.

Mr. Chandra Prakash, AOR

Dr. A.M. Singhvi, Adv.

Mr. Amit Bhandari, Adv.
 Mr. Shadan Farasat, AOR
 Ms. Hrishika Jain, Adv.
 Mr. Bharat Gupta, Adv.
 Mr. Shourya Dasgupta, Adv.
 Mr. Aman Naqvi,
 Mr. Dhruv Bhatnagar, Adv.

Mr. Shekhar Napahade, Sr. Adv.
 Mr. Rahul Chitnis, Adv.
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Chirag Shah, Adv.
 Mr. Utsav Trivedi, Adv.
 Mr. Sachin Patil, AOR
 Mr. Aaditya A. Pande, Adv.
 Mr. Geo Joseph, Adv.
 Ms. Shwetal Shepal, Adv.
 Ms. Aishwarya Dash, Adv.
 Ms. Farha Hashmi, Adv.

Mr. Tushar Mehta, SG
 Ms. Aishwarya Bhati, ASG
 Mr. Kanu Agrawal, Adv.
 Ms. Swati Ghildiyal, Adv.
 Ms. Vanshaja Shuila, Adv.
 Ms. Ruchi Kohli, Adv.
 Mr. Saurabh Mishra, Adv.
 Mr. Amrish Kumar, AOR

Mr. Hitesh Kumar Sharma, Adv.
 Mr. B.A. Wadhmare, Adv.
 Mr. S.K. Rajora, Adv.
 Mr. Akhileshware Jha, Adv.
 Ms. Shweta Sand,
 Ms. Niharika Dewivedi, Adv.

Mr. Nishit Agrawal, AOR

Mr. Sidharth Bhatnagar, Sr. Adv.
 Mr. Vijay Kumar, Adv.
 Ms. Bharti Tyagi, AOR

Mr. Ranbir Singh Yadav, AOR

Mr. Kailas Bajirao Autade, AOR

M/S. Lambat & Legiteam, AOR

Mr. S. R. Ghatole, Adv.
 Mr. Firdos T. Mirza, Adv.
 Mr. Purshottam B. Patil, Adv.
 Ms. Jaikriti S. Jadeja, AOR

Mr. Arvind S. Avhad, AOR

Mr. Samrat Krishnarao Shinde, AOR

Mr. Amit Sharma, Adv.
Mr. Dipesh Sinha, Adv.
Ms. Pallavi Barua, Adv.
Mr. Amit Sharma, Adv.

Mr. Tushar Mehta, SG
Mr. Kanu Agarwal, Adv.
Ms. Swati Ghildiyal Adv.
Ms. Vanshaja Shukla, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Saurabh Mishra, Adv.
Ms. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) No(s). 19756/2021

Mr. Shekhar Naphade, learned senior counsel appearing for the State invited our attention to the stand taken by the State Election Commission.

We have no hesitation in observing that the understanding of the respondents in respect of our order dated 20.07.2022 is incorrect. It is misreading of the directions contained in the stated order. The State Election Commission in terms of that order has been directed to complete the election process, which had been notified in respect of 367 local bodies on the date of that order.

As a matter of fact, this position has been restated on multiple occasions at the time of every hearing in the past. There is no reason to have any second guess in respect of that

direction.

The only liberty given to the State Election Commission was to realign the dates of the election programme already notified, if the exigencies in the concerned constituency, so required due to unavoidable situation.

The State Election Commission cannot and shall not re-notify the Election programme afresh much less to provide reservation for OBC in respect of stated 367 local bodies referred to in the affidavit filed before this Court on 08.07.2022.

In case of any breach of this direction, the State Election Commission and all concerned may be personally responsible and it will be viewed seriously.

List this matter on 22.08.2022 before appropriate Bench for reporting compliance.

Diary No(s). 21539/2022 and W.P.(C) No. 533/2022

Ms. Aishwaraya Bhati, learned Additional Solicitor General prays for time to file reply affidavit.

Accordingly, list these matters on 05.08.2022 before the appropriate Bench.

Learned counsel for the Election Commission of India may also file written note/submission, if so advised.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR