



{1}

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 WRIT PETITION NO. 14417 OF 2025

Vinod Pundlikrao Chinchalkar

... Petitioner

VERSUS

1. The State Of Maharashtra
Through Principal Secretary
Urban Department
2. State Election Commission,
Through Chief Electoral Officer,
Mumbai
3. The Collector,
District Collector Office, Nanded.
4. The Tahsildar/Returning Officer,
Bhokar, Tq. Bhokar, Dist. Nanded.

... Respondents

...

956 WRIT PETITION NO. 14418 OF 2025

1. Sunita W/o. Manmohan Baheti,
2. Sachin S/o. Vithal Dagdu,

... Petitioners

VERSUS

1. The State Election Commission
Through its Secretary.
2. The Collector,
Hingoli, Dist. Hingoli.
3. The Sub Divisional Officer and
Election Officer for the elections of
Municipal Council/NagarPanchayat,
Basmath, Tq. Basmat, Dist. Hingoli.

... Respondents

...

{2}

957 WRIT PETITION NO. 14419 OF 2025

1. Bajarang S/o. Bhavsing Limbore,
2. Alkabai W/o. Gopichand Pardeshi, ... Petitioners

VERSUS

1. The State Of Maharashtra
Through its Principal Secretary
Urban Development Department,
Mantralaya, Mumbai-32
2. The State Election Commission, Maharashtra,
Through The State Election Commissioner,
8th Floor, New Administrative Building,
Madam Cama Road, Hutatma Rajguru Chouk,
Opposite Mantralaya, Mumbai-32.
3. The District Collector,
Chhatrapati Sambhajanagar. ... Respondents

...

959 WRIT PETITION NO. 14370 OF 2025

- Chandan S/o. Basavraj Patil, ... Petitioner

VERSUS

1. The State Of Maharashtra
Through Secretary to the
Government of Maharashtra
in the Urban Development Department,
Fort, Mumbai-32
2. The State Election Commission,
Maharashtra State,
Madam Kama Road, Mumbai,
Through its Commissioner.
3. The District Collector, Latur.
4. The Returning Officer,
Udgir Municipal Council,
General Elections 2025,
Udgir, Dist. Latur. ... Respondents

...

{3}

960 WRIT PETITION NO. 14373 OF 2025

Hasnoddin Khudboddin Katyare

... Petitioner

VERSUS

1. The State Election Commission, Maharashtra
Through its Commissioner,
Mantralaya, Mumbai-32

2. The District Collector
Ex-officio District Election Officer,
Chhatrapati Sambhajinagar,
Tq. & Dist. Chhatrapati Sambhajinagar.

3. The Returning Officer,
Paithan Municipal Council,
Tq. & Dist. Chhatrapati Sambhajinagar

... Respondents

...

961 WRIT PETITION NO. 14376 OF 2025

1. Parag Shivaji Sandhan And Others
2. Vaibhav Sudhakar Adhav
3. Prashant Balasaheb Kadu.

VERSUS

1. The State of Maharashtra
Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai-32

2. The State Election Commission Maharashtra
Through its Commissioner,
First Floor, New Administrative Building,
Hutatma Rajguru Chowk,
Madam Cama Road, Mumbai

3. The Deputy Commissioner,
The State Election Commission,
First Floor, New Administrative Building,
Hutatma Rajguru Chowk,
Madam Cama Road, Mumbai.

{4}

4. The Secretary,
The State Election Commission,
First Floor, New Administrative Building,
Hutatma Rajguru Chowk,
Madam Cama Road, Mumbai.
 5. The District Collector,
Dist. Ahilyanagar.
 6. The Returning Officer,
For the Election of Municipal Council
Kopargaon, Dist.Ahilyanagar.
 7. Omprakash Dadappa Koyete,
 8. Rajendra Murlidhar Zaware,
 9. Sapna Bharat More
 10. Vijay Suryabhan Wahadane
 11. Yogesh Prabhakar Wani
 12. Rahmunnisa Rajmahamad Kureshi
 13. Sachin Sharadrao Gavare
 14. Dada Rakhmaji Aware
 15. Yogesh Vasant Ushir
 16. Shubham Kailas Kale
 17. Asif Maheebub Pathan
 18. Rajendra Shrawan Lokhande
 19. Yogesh Chaburao Shinde
 20. Sharfhuddin Shamshuddin Sayyad ... Respondents
- ...

962 WRIT PETITION NO. 14380 OF 2025

Sanjay S/o Pandurang Kale ... Petitioner

VERSUS

1. The State Election Commission,
Maharashtra through Chief Election Commissioner,
First Floor, New Administrative Building,
Hutatma Rajguru Chowk, Madam Cama Road,
Mumbai

{5}

2. The Returning Officer,
Municipal Council, Ambejogai,
Dist. Beed.

... Respondents

...

WRIT PETITION NO. 14420 OF 2025

Amol Maruti Naikwade

... Petitioner

VERSUS

1. The State Election Commission,
Maharashtra through its Chief Election Officer,
New Administrative Building,
Hutatma Rajguru Chowk, Madam Cama Road,
Mumbai
2. The District Collector, Beed
Office of Collector Beed.
3. The Returning Officer,
Municipal Council Elections, Beed

... Respondents

.....

Mr. Ram S. Shinde, Advocate for Petitioner in WP/14417/2025
 Mr. V.D. Salunke, Advocate for Petitioner in WP/14418/2025
 Mr. Ravindra B. Ade, Advocate for Petitioner in WP/14419/2025
 Mr. N.P. Patil Jamalpurkar, Advocate for Petitioner in WP/14370/2025
 Ms. Shubhangi D. More, Advocate for Petitioner in WP/14373/2025
 Mr. V.D.Salunke, Advocate h/f Mr. Mr. Rahul B. Temake, Advocate for
 Petitioner in WP/14376/2025
 Mr. Shrigopal G. Dodya, Advocate for Petitioner in WP/14380/2025
 Mr. Sayyed Tausif Yaseen, Advocate for petitioner in WP/14420/2025
 Mr. Sachindra Shetye a/w Sharau Dhantare, Akshay Pansare, Advocates
 for State Election Commission in all Writ Petitions
 Mr. S.K. Tambe, Addl. G.P. for Respondents- State authorities

.....

**CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 02 DECEMBER, 2025

ORDER [Per Hiten S. Venegavkar, J.] :-

1. Writ Petition No.14420 of 2025 not on board. Taken on board.
2. The present group of petitions preferred under Article 226 of the Constitution raises a common challenge to the decisions of the State Election Commission, Maharashtra (hereinafter referred to as “the Commission”), by which the commission has postponed the elections of several Nagar Panchayats and Nagar Parishads, and in some cases the elections of selected constituencies within a ward are to be held on 20 December 2025. The impugned decisions were decided on the ground that in several constituencies where the nominations forms of the candidates have been rejected, statutory appeals have not been taken by the competent authority on or before 22 December 2025, and therefore, an opportunity of withdrawal of candidature from the election fray was not possible to be provided to such candidates whose appeal have been allowed and they have been permitted to contest the elections. In few cases the commission has observed that the hearing of the appeal is still not concluded as well as in some cases the written order of the competent authority has not been obtained. The commission has felt that such eventuality thereby deprive such candidates of an adequate and meaningful opportunity to exercise its statutory right of withdrawal.

3. The petitioners have submitted that the action of the Commission postponing the elections at the very fag end of the election process i.e. just 72 hours before the date of voting is an arbitrary act as the Commission was well within the knowledge of the statutory timelines governing scrutiny, appeal and withdrawal of nominations. They assert that the power of postponing the elections is not unguided and must have been exercised in exceptional circumstances. In the present case, the Commission's conduct is neither proportional nor constitutionally justified.

4. The learned advocates appearing for the petitioners by referring to the election programme published on 04.11.2025 submitted that the election programme originally notified contemplated both the contingencies, the cases in which no appeal is filed and the cases where an appeal is filed and decided. The last date for withdrawal of nomination in such cases has also been fixed as on 25.11.2025. It is further argued by the learned advocates appearing for the respective petitioners that Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act 1965 and the Maharashtra Municipal Councils and Nagar Panchayats Election Rules, 1966 (hereinafter referred to as "the Election Rules) prescribe a structured sequence and filing of nominations, scrutiny, appeal against rejection or acceptance, and

{8}

withdrawal of nominations. The provisions in the Election Rules also empowers the appellate authority to decide such appeals, however, there is no time prescribe for such decision, but it is expected to take the election programme in consideration and decide the appeal accordingly. The said Election Rules also contemplates the consequences of such decisions upon the subsequent stages of the election. The petitioners, thus, urged that the Commission was conscious that appeals would be instituted and might be decided close to the withdrawal deadline. If that was so, the Commission ought to have devised the calendar of events with foresight. The apprehended contingency of a delayed decision of appeal was a matter which could have been anticipated long before the eve of polling. Yet the Commission having allowed the electoral programme to run its course and intervened at the last minute, thereby postponing elections in some Nagar Panchayats and Nagar Parishads, causing fragmenting the electoral timetable in a manner that is destructive of uniformity and equal electoral opportunity. In some cases where there are two or more constituencies in one single wards have also been fragmented and elections in one constituency is permitted while the other constituency is postponed. According to the petitioners, this is impermissible under the Act and the Rules.

5. Further concern raised by the petitioners relates to the revised election programme. The revised programme schedules the polling for the postponed local bodies on 20 December 2025, which is far away from the dates under the original programme. The petitioners argued that even if postponement is justified, it ought to have been limited to a minimal period necessary to accommodate the delayed period of decisions in appeals and to afford candidates an opportunity of withdrawal. Instead, the revised programme prolongs the electoral process unduly and sets in motion a bifurcated electoral calendar, which in their submission, is likely to influence the electorate in the postponed local bodies. A connected grievance is that the results of the bodies whose elections proceed under the original programme should not be declared until the revised elections are completed, since declaration of results in the majority of the local bodies would exert an impermissible psychological influence upon the voters in the postponed local bodies, contrary to the democratic imperative of free, fair and uninfluenced electoral choice.

6. Learned advocate Mr. Sachindra Shetye appearing for the State Election Commission resisted the petitions by relying upon Article 243K and 243ZA of the Constitution of India which vests in the State Election Commission the power of superintendence, direction and control over

the conduct of elections to Panchayats and Municipalities. Reference is made to Rule 5 and Rule 8 of the Election Rules, which according to the Commission, empower it to regulate the election programme and, in exceptional situations, to postpone polls to ensure fairness. The Commission argues that if the appeal process results in the revival of candidatures after the withdrawal date has expired, the right of such candidates to withdraw their names, a right statutorily conferred, would be rendered illusory unless the Commission intervenes. It is submitted that the Commission's power, although to be exercised sparingly, must remain elastic enough to ensure that no candidate suffers the deprivation of a right due to circumstances beyond his or her control and that the consequence of such deprivation is an election conducted in an uneven field. When the learned advocate for the Election Commission was posed with certain queries pertaining to the fragmentation of wards as well as the last minute decision to postpone the elections of only few local bodies, the learned advocate tried to justify the decision of the State Election Commission by stating that it was immediately done after the lacuna was noticed. As far as the fragmentation of the wards is concerned, he submitted that no prejudice is likely to be caused, as the voters of the wards whose elections have been postponed will be entitled to cast their votes on 20.12.2025. We further put a query as to whether the counting of votes and declaration

{11}

of the elections in respect of the local bodies scheduled on 03.12.2025 can be postponed till 21.12.2025, after the election process of the postponed local bodies is completed. In response, he submitted that he would have to take instructions from the higher officers of the State Election Commission. He then requested that the matter be taken up on 02.12.2025 at 12:30 p.m. Today, when the matter was called out, Mr. Shetye, learned advocate for the Commission, informed us that a similar issue was heard and decided by the Bombay High Court, Bench at Nagpur, wherein an order was passed directing the Commission to declare all the election results on a single date after the elections of the local bodies scheduled to be held on 20 December 2025 are completed. However, he submitted that a copy of the said order has not been made available and that he is making submissions on instructions.

7. Be that as it may, having heard the learned advocates for the parties and after considering their arguments, before we proceed to decide the issues that are raised in the present petition, it will be appropriate to consider the constitutional and statutory principles and judicial pronouncements in respect of the election matters as it stands today.

8. The Hon'ble Supreme Court time and again has underscored that the purity of the electoral process is fundamental and that any

distortion of the level playing field undermines democratic legitimacy. The Apex Court has warned that even administrative acts which may appear facially neutral must be tested against their practical impact on voters. This principle is directly attracted for the early declaration of results in some local bodies and creates a demonstrable electoral trend, thereby risk influencing voters in the postponed elections.

9. In the case of *S. Subramaniam Balaji v. State of Tamil Nadu*, (2013) 9, SCC 659, the Hon'ble Supreme Court has reaffirmed that the "free agency of the voter" lies at the heart of electoral democracy, and that the State and its instrumentalities must refrain from actions that lead to either direct or indirect voter influence. Although *S. Subramaniam Balaji* (supra) dealt with pre-election promises, the broader principle applies with equal force, that the voter must reach the polling booth with an unclouded mind. The premature declaration of results in a substantial number of local bodies would inject a psychological bias, thereby creating momentum, bandwagon effect or strategic voting which cannot be tolerated under the Constitution of India.

10. In *Union of India v. Association for Democratic Reforms*, (2002), 5, SCC 294, while emphasizing voters' right to information, the Hon'ble Supreme Court observed that information disseminated during elections

must enhance and not distort the autonomous judgment of the voter. Importantly, the Court recognized that the electoral environment must be free from factors that distort the voter's rational choice. Declaring results prematurely in some local bodies.

11. The Election Commission's power to regulate dissemination of poll-related information so that voters are not subjected to psychological pressures capable of altering electoral choice. If the Election Commission may prohibit dissemination of exit polls or premature polling trends on this very logic, the same principle must apply here, and therefore, partial declaration of official results is far more impactful than mere private polling trends, and therefore, poses an even graver threat to voters' neutrality.

12. In *PUCL v. Union of India*, (2003) 4, SCC 399, explains that the voters' right to participate in a free and fair election includes the right to make an independent, uninfluenced decision. The Court held that any state action impairing that independence is unconstitutional. Premature declaration of results is undoubtedly such an impairment.

13. The decision of the State Election Commission to postpone elections is traceable to Articles 243K and 243ZA and also to the provisions of election rules. Articles 243K and 243ZA read as under:

“ARTICLE 243K - (1) *The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.*

(2) *Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:*

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) *The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).*

(4) *Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.”*

“ARTICLE 243ZA -(1) *The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be*

{15}

vested in the State Election Commission referred to in article 243K.

(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.”

14. Reading of the Articles 243K and 243ZA of the Constitution, we are of the view that though the Commission possesses the authority to postpone elections, such authority has to be exercised in exceptional situations. The manner in which such authority was exercised in the present case, just 72 hours before the voting was to begin, betrays a lack of administrative foresight and constitutional discipline. The powers imposed in the Election Commission under Articles 243K and 243ZA of the Constitution is not unbridled. It must be exercised with transparency, predictability and promptitude. The sanctity of the electoral calendar is foundational to the legitimacy of democratic institutions. Postponement of elections is an action that must be justified on valid grounds and should be taken at the earliest possible stage so as to avoid uncertainty and should preserve public confidence.

15. Relevant provisions which are necessary to be considered from Maharashtra Municipal Councils and Nagar Panchayat Election Rules 1966 are Rule 4 (3) which reads as follows:-

“

Rule 4(3) -) *Where an appeal is presented under rule 15 against the decision of a Returning Officer accepting or rejecting a nomination paper in respect of the election in any ward, 2 the revised last date for the withdrawal of candidatures in respect of such election shall be the third day after the date on which such appeal is decided. If it is necessary to take a poll and the date appointed therefor under sub-rule (1) is already passed or is earlier than the [eighth day] after the revised last date for the withdrawal of candidatures, the State Election Commissioner or an officer authorised by the State Election Commissioner] shall appoint a revised date on which the poll shall be taken (which shall be a date not earlier than the "[eighth day] after the revised last date for the withdrawal of candidatures), and a revised date for the counting of votes, in respect of that election. Such order shall be published in the same manner in which the original order made under sub-rule (1) is published]"*

Rule 5 of Maharashtra Municipal Councils and Nagar Panchayat

Election Rules 1966 reads as under:

"5. Appointment of Returning Officer and Assistant Returning Officer. (1) The 2 State Election Commissioner or an officer authorized by the State Election Commissioner) shall 3(by order in Form 14..... appoint the Chief Officer or any other officer of the Council or any officer of Government to be a Returning Officer in respect of any election or part of an election under these rules.

(2)(a) The [State Election Commissioner or an officer authorised by the State Election Commissioner) may, if deemed necessary. appoint any officer of a Council or of Government to be an Assistant Returning Officer to assist any Returning Officer in the performance of his functions.

(b) The Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that, no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of nomination papers 6. unless the Returning Officer is unavoidably prevented from performing the said function”

Rule 8 of Maharashtra Municipal Councils and Nagar Panchayat

Election Rules 1966 reads as under:

“8. Polling Stations. The Returning Officer shall provide a sufficient number of polling stations for each ward in which election is to be held and shall not later than seven days before the date of poll, publish a list showing the polling stations and the areas in which they will be set up (hereinafter referred to as the "polling area")

Rule 10 of Maharashtra Municipal Councils and Nagar

Panchayat Election Rules 1966 reads as under:

“10. General duty of Presiding Officer.-It shall be the general duty of the Presiding Officer at a polling station to keep order there at and to see that the poll is fairly taken.”

Rule 15 of Maharashtra Municipal Councils and Nagar

Panchayat Election Rules 1966 reads as under:

“15. Appeal. (1) An appeal shall lie to the District Judge of the district in which the municipal area is situated as herein provided from any decision of a Returning Officer accepting or rejecting a nomination paper.

(2) Any candidate aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper, may present an appeal there-from to the District Judge within a period of three days from the date of publication of the list of validly nominated candidates:

[Provided that, where an appeal is presented, such candidate shall, not later than 3 O'clock in the afternoon of the day next following the date of presentation of the appeal to the District Judge, give a notice of the appeal to the Returning Officer).

2[(3) If one or more notices has or have been received in accordance with the proviso to sub-rule (2), the Returning Officer shall, immediately after the expiry of four days from the date of publication of the list of validly nominated candidates] :-

3[(a) publish a notice in Form V by affixing it to his notice board together with a statement that the hearing of the appeal shall commence before the District Judge on the third day after the date of such publication of the notice or if that day is a public holiday, the next succeeding day which is not a public holiday and that the copy of the petition of appeal is available with the Returning Officer, and]

(b) send to the District Judge a copy of each of the notices, the intimation referred to in clause (a) and the list of validly nominated candidates.

[(3-A) On receipt of copies of notices and other documents referred to in the last preceding sub-rule, the District Judge shall intimate to the Returning Officer the day or days appointed by him for hearing of the appeal or appeals and also notify such

day or days on his notice-board. As soon as such Intimation is received from the District Judge, the Returning Officer shall also display a copy of such intimation on his notice-board for informing the parties concerned the date or dates appointed for hearing the appeal or the appeals, as the case may be.

(4) The Returning Officer shall, on application made by or on behalf of a candidate supply forthwith to the applicant a copy of the decision accepting or rejecting a nomination paper together with the statement of reasons, recorded by him.

(5) In every appeal under this rule, the appellant shall join as respondents all the candidates (other than himself) whose nominations have been accepted by the Returning Officer.

(6) [The Intimations affixed to the notice-board of the Returning Officer (under sub-rules (3) and (3-A) shall be deemed to be sufficient notice, both of the presentation of an appeal under this rule and of the date on which the hearing thereof shall commence before the District Judge and it shall not be necessary to give any other notice to the appellants or the respondents and the appeal or appeals shall be deemed to have been fixed for peremptory hearing on the said date. For the purpose of the appeal, the District Judge may, except as provided in this rule, exercise any of the powers of a Civil Court.

*(7) Every appeal under this rule shall be heard *dedien diem* and disposed of by the District Judge as expeditiously as possible, and his decision shall be communicated forthwith to the Returning Officer.*

*(8) 3 ****

(9) In every case (where notice of any appeal has been given to the Returning Officer, he shall, upon receipt of the communications of the District Judge referred to in sub-rule (7)), republish by affixing to his notice-board the list of validly nominated candidates after revising it, if necessary in conformity with the decision of the District Judge.

(10) The decision of the District Judge on appeal under this rule, and subject only to such decision, the decision of the Returning Officer, accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in question in any Court.

(11) Any appeal presented to the District Judge under this rule may be inquired in to and disposed of by any judge not lower in rank than an Assistant Judge to whom the case or such cases generally may be referred to by the District Judge, and any reference to the District Judge in this rule shall then be construed as a reference to such judge.”

Rule 17 of Maharashtra Municipal Councils and Nagar

Panchayat Election Rules 1966 reads as under:

“17. Withdrawal of candidature. (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer,-

*(a) where no appeal is presented under Rule 15 on or before the day appointed under clause (c) of sub-rule (1) of Rule 4. and
(b) where such appeal is made, on or before the third day after the date on which the appeal is decided.*

(2) The notice shall be delivered to the Returning Officer before 3 O'clock in the afternoon on the last day fixed under sub-rule

(1) for withdrawal of candidature.

(3) The notice may be given either by the candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by the candidate.

(4) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(5) The Returning Officer shall, on being satisfied as to the genuine-ness of a notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause a notice to be affixed on the notice-board in his office.

16. Upon considering the aforesaid statutory scheme framed under the election rules mentioned above, clearly outlines the sequence of nomination, scrutiny, appeal and withdrawal. Rule 15 contemplates a statutory appeal against the rejection or acceptance of nomination papers and prescribes that the decision of the appellate authority shall be final for the purposes of the election. The election programme notified by the commission itself recognized two contingencies, (i) where no appeal is filed and (ii) where appeals are filed and decided.

17. The petitioners argued that the commission was fully aware of the statutory timelines, and the possibility of appeals being decided close to or beyond the withdrawal deadline was foreseeable. Yet instead of anticipating this contingency, the commission permitted the electoral process to proceed to the threshold of polling and only thereafter issued the impugned postponement orders.

18. The learned advocate for the Commission has justified and countered the above argument of the petitioners by stating that the commission has invoked its constitutional authority under Articles 243K and 243ZA, which vests in the State Election Commission. The authority of superintendents, direction and control over the conduct of elections. The commission submits that this power includes the authority to postpone elections to ensure that no candidate is deprived of the statutory right of withdrawal. The contention is that if an appeal is allowed after the withdrawal date, the revived candidate must have a fair opportunity to decide whether to continue in the election fray or to withdraw from the elections.

19. There is no dispute that the commission possess the constitutional authority to postpone elections in extraordinary or unforeseen circumstances. The Election Commission, and for that matter even State Election Commission, has broad powers to ensure the purity of elections, but the exercise of such powers must be principled and not arbitrary. On several occasions the court has emphasized that free and fair elections are part of the basic structure and every action of the commission must strengthen and not weaken the legitimacy of the electoral process.

20. While the power exists, the manner of its exercise is subject to judicial scrutiny. In the present case, the Commission's act of postponing elections at the last moment, after the entire machinery for polling has been mobilized, betrays an absence of foresight. The appellate process is a predictable part of the statutory scheme. It cannot be characterized as an unforeseen emergency. The Commission could have with administrative prudence devised the election program to avoid a clash between appellate timelines and withdrawal dates. Its failure to do so amounts to avoidable administrative impropriety. Moreover, the Commission's approach of postponing elections only in certain constituencies within a single 'ward' runs contrary to the logic of the election rules. As this Court has held in earlier matter in ***Rahul S/o. Shankarrav Khandagale*** [Writ Petition No.14316 of 2025 (Aurangabad Bench)], a 'ward' cannot be fragmented into separate electoral cycles because voters cast multiple votes simultaneously for different constituencies within the ward. Even the Learned Counsel for the Election Commission in that matter had argued that fragmentation of a 'ward' into segments which go to polls at different times is inconsistent with the normative structure of the election rules. If the election of one constituency (प्रभाग/Division) in a ward is postponed, logic and fairness requires that the election of all constituencies (Divisions) in that 'ward' be postponed. Yet in the present case, the Commission has permitted

elections in some constituencies to proceed even though other constituencies in the very same ward have been postponed. This inconsistency further reinforces the conclusion that the Commission did not apply a uniform or principled approach while restructuring the electoral programme. We must also state on record that factual background is largely undisputed. The Commission issued a general notification prescribing the programme for elections to various Nagar Parishads and Nagar Panchayats across the State. The programme framed under Maharashtra Municipal Councils, Nagar Panchayats and Industrial Disputes Act 1965 and the Maharashtra Municipal Council and Nagar Panchayats Election Rules 1966 set out the dates for filing nomination papers, scrutiny, decision of appeals against rejection or acceptance of nominations withdrawal of candidature, allotment of symbols and date of polling. The election program also expressly contemplated the situation where appeals are filed and decided. And in such cases, the date of withdrawal is fixed as 25 November 2025 also. We must also put it on record that the powers of Election Commission to postpone the elections has not been challenged in the present petitions also. However, on perusal of Article 243 We have already held above that the Commission is well within its authority to postpone elections, but in exceptional circumstances.

21. Thus, the question that is posed is whether this court should interfere with either the original or revised election program? Judicial review in electoral matters is necessarily circumscribed. Courts must refrain from unsettling electoral process save in circumstances where the action impugned threatens the integrity of the election or voids constitutional mandates. In the present case, while the Commission's delay merits condemnation, invalidating the election programs at this stage would plunge the entire electoral process into deeper uncertainty. A balance must therefore be struck between preserving the integrity of the democratic process and avoiding further derailment.

22. We are, therefore, persuaded that the appropriate course is not to set aside the original or revised election programme, but to regulate the declaration of results so as to prevent undue influence upon the electorate in the postponed elections of local bodies. If results in the majority of Nagar Panchayats and Nagar Parishads are declared earlier, voters in the postponed elections of local bodies may, consciously or otherwise, be swayed by the electoral trend. Such an outcome is inconsistent with the principle that every voter must exercise his or her franchise freely, uninfluenced by extraneous factors. The postponement may be constitutionally permissible, but its collateral impact must be mitigated through judicial supervision.

23. Consequently, this Court directs that although the elections in the local bodies governed by the original programme may proceed, the process of counting of votes and declaration of results of all Nagar Panchayats and Nagar Parishads under the original election programme shall be deferred until the completion of polling and counting in the postponed elections of local bodies scheduled to be held on 20.12.2025. The Commission shall thereafter declare all results on or after 21 December 2025, ensuring that no partial trends are released in the interim.

24. In view of the above discussion, we summarise our conclusions in narrative form. First, the Commission, as a constitutional authority under Articles 243K and 243ZA, possesses the power to postpone or adjourn elections in exceptional situations to secure the purity and fairness of the polls of Nagar Parishads and Nagar Panchayats. However, in the present case, the Commission invoked this power at an unduly late stage in response to a contingency and the timing of appellate decisions on nomination disputes, that was foreseeable and should have been planned for. The belated exercise of power is improper and deserves to be strongly deprecated, even though we refrain from striking down the postponement orders in view of the advanced stage of the electoral process. Secondly, the decision to postpone elections in only certain constituencies within a ward, leaving others to proceed

under the original programme, is inconsistent with the structure of the Election Rules and the Commission's earlier stand in Writ Petition No.14316 of 2025 that fragmentation of the poll within a ward is undesirable. Henceforth, the Commission ought to ensure that if an election in one constituency of a ward is postponed, the elections in the remaining constituencies of that ward are also aligned so that the poll remains a coherent exercise. Third, the early declaration of results for local bodies covered by the original programme, while polling remains to be held in the postponed bodies, is likely to produce a bandwagon effect and influence the electoral choices of voters in the latter, thereby undermining the constitutional guarantee of free and fair elections. It is therefore necessary in the interests of electoral justice that no partial results be declared.

25. The writ petitions are accordingly disposed of with the following directions, which are to be read as part of this continuous reasoning.

(a) The postponement orders issued by the Commission in respect of the concerned Nagar Panchayats and Nagar Parishads are not quashed, but the Commission's conduct in issuing them at the last minute is formally condemned as lacking in administrative foresight and constitutional responsibility. The elections shall proceed under both the original and the revised programme, including the polls now scheduled on 20 December 2025 for the postponed local bodies. However, the Commission shall not to count votes and declare results of any Nagar

{28}

Panchayat or Nagar Parishads, whether falling under the original or the revised election programme until the polling and counting in all postponed local bodies are completed.

(b) The counting and declaration of results of all Nagar Parishads and Nagar Panchayats throughout Maharashtra shall be declared together on or after 21 December 2025.

(c) We also direct that exit polls in respect of the elections held today shall not be telecast, published or declared till the voting on 20 December 2025 comes to an end.

(d) For future elections, the Commission shall, within a period of ten weeks, frame and publish guidelines that (a) ensure foreseeable contingencies such as appellate timelines are duly factored into the election calendar; (b) lay down a principled, uniform approach for postponement, including the treatment of multiple constituencies within a ward; and (c) minimize last-minute disruptions of the kind that have occasioned these proceedings and;

(e) Further directs that the officers to immediately inform any contingencies and seek immediate guidance from the higher authority of the Election Commission so as to resolve the issue without disturbing the election programme in future.

26. All the writ petitions stand disposed of. There shall be no order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE