

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

WRIT PETITION NO. 5356 OF 2015

Kantabai Raghunath Kadam

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mrs. V.D. Jadhav, advocate for petitioner.
Mr. S.G. Karlekar, AGP for the State.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.
DATE : 8th JUNE, 2015**

PER COURT :

1. Petitioner is praying for declaration that respondent no. 4 is disqualified to hold the office of Sarpanch so also Member of the Village Panchayat. Respondent no. 4 is an employee of an educational institution receiving grant-in-aid from the State Government. According to petitioner, since respondent no. 4 is an employee of an institution receiving grant-in-aid from the State Government, he shall be considered as an employee of the State Government and as such, has incurred disqualification as provided under section 14(1)(i) of Bombay Village Panchayat Act, 1958.

2. Objection raised by petitioner is devoid of substance for the reason that merely because of the fact that the institution where respondent no. 4 is serving receives grant-in-aid from the State Government, does not confer on him the status of the government employee. Respondent no. 4 cannot be considered to be a government employee for the reason that the appointing

authority i.e. respondent no. 3 wields the control in respect of administrative, supervisory and disciplinary matters concerning the employee i.e. respondent no. 4. The terms of employment of respondent no. 4 are regulated by MEPS Act. Respondent no. 3 also cannot be said to be a 'local authority' merely because the institution receives grant-in-aid from the State Government. The issue is no more *res integra* in view of judgment delivered by Single Judge of this Court in the matter of *Shivaji Manohar Kale Vs. Additional Divisional Commissioner, Aurangabad Division and others* reported in **2011(6) Mh.L.J. 344**. Even otherwise, petitioner has remedy under section 16 of the Act for claiming declaration of disqualification allegedly incurred by respondent no. 4. Writ petition is devoid of substance hence stands rejected.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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