

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.300 OF 2015
IN
WRIT PETITION NO.11785 OF 2014

VILAS BHASKARRAO RAJGIRE AND
ANOTHER

APPLICANTS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

RESPONDENTS

Mr.Deelip Patil Bankar, Advocate for the applicants.
Mr.D.R.Korde, AGP for respondent/State.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 16/01/2015

PER COURT :

1. Mr.Bankar, learned Advocate on behalf of the applicants submits that it was erroneously stated on 07/01/2015 before this Court that respondent No.5 had seconded the resolution for accepting his name (which was recommended by the D.R.D.A. on the strength of the list of the persons below poverty line prepared in 2002-2003). He further submits that it was erroneously canvassed that respondent No.5 had filed an application for seeking benefit under the MGNREGS. He tenders an apology.

2. Mr.Bankar, therefore, submits that the order passed on 7/1/2015 be accordingly corrected and the petitioner tenders an

apology for having erroneously made the said submissions before this Court. He was not the Sarpanch of the Gram Panchayat, which selected him for the said benefit. Learned AGP has no objection for the correction in the order.

3. In the light of the above, the order dated 07/01/2015 to the extent of paragraph Nos. 3(d), 3(e) and 3(f) need to be corrected.

4. Paragraph No.3(d), 3(e) and 3(f) shall read as under :-

“3(d) Respondent No.5 supported his selection for obtaining the said benefit.

3(e) His selection was entertained by the Village Panchayat under the scheme while he was the member of the Village Panchayat.

3(f) He himself seconded the resolution for causing his selection.”

5. In paragraph No.3(j) of the order, the word "petitioner" is erroneously mentioned in line No.3. It should read as "respondent No.5". As such, paragraph No.3(j) shall read as under :

“On the dispute raised by the petitioners, the Additional Collector, Jalna, by its judgment dated 23/07/2014 has specifically come to a conclusion that respondent No.5 has facilitated his selection as a beneficiary and has obtained the

benefit under the Scheme, thereby incurring disqualification under Section 14(1)(g) of the Maharashtra Village Panchayat Act ("the said Act")"

6. Order dated 07/01/2015 be accordingly corrected. The civil application is partly allowed in the above terms.

(RAVINDRA V. GHUGE, J.)