

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION (REVIEW) NO.328 OF 2012 IN
LETTERS PATENT APPEAL NO.110 OF 2012 IN
WRIT PETITION NO.1236 OF 2012

Sau.Rohini w/o Sanjay Bhosale

Applicant

Versus

The State of Maharashtra & others

Respondents

None appears for the applicant.

Mrs.V.A.Shinde, A.G.P. for Respondents No.1 to 4.

CORAM : R.M.BORDE &

SUNIL P. DESHMUKH, JJ.

DATE : 12th February, 2015

PER COURT:

1 None appears for the review applicant.

2 The review applicant was elected as Sarpanch of Village Panchayat Khandavi and continued on the said post until motion of no confidence was adopted against her in the meeting called for the said purpose on 23.09.2011.

3 The contention of the applicant, while raising challenge to the adoption of no confidence motion moved against her, is in respect of applicability of first proviso to Section 35(3) of the Bombay Village Panchayats Act, 1958. The applicant contends that she being a lady Sarpanch, the motion of no confidence must be carried against her by 3/4th majority as provided under first proviso to Section 35(3) of the Bombay Village Panchayats Act,

1958.

4 In order to attract first proviso to Section 35(3), two conditions must be satisfied. Firstly, the office of Sarpanch should be reserved for women category candidate; and secondly, same shall be held by woman Sarpanch. Unless both these conditions are satisfied, restriction imposed in the first proviso to sub-section (3) of Section 35 of the Bombay Village Panchayats Act of mustering support of 3/4th of total number of members for carrying out motion of no confidence is not attracted. The view taken by the Division Bench of this Court, while turning down the challenge raised by the petitioner, is quite reasonable and proper and in accordance with the spirit and the object of the proviso. The Review Application is devoid of substance.

5 Hence, Review Application stands dismissed.

SUNIL P. DESHMUKH
JUDGE

R.M.BORDE
JUDGE

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