

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

WRIT PETITION NO. 10827 OF 2015

Gajanan s/o Narayan Rawate .. Petitioner

vs

The State of Maharashtra and ors. .. Respondents

WITH
WRIT PETITION NO. 10828 OF 2015

Sangita w/o Ganesh Jadhav .. Petitioner

vs

The State of Maharashtra and ors. .. Respondents

Mr. Anil M. Gaikwad, Advocate for petitioners
Mr. R.V. Dasalkar and Mr. Shrirang S. Dande, Asstt.Govt.
Pleaders for respondent no. 1 in respective writ petition.
Mr. S.T. Shelke, Advocate for respondents no. 2 and 3 in both
writ petitions

CORAM : SUNIL P. DESHMUKH, J.
28TH OCTOBER, 2015

ORDER:

1. Heard learned counsel for the parties.
2. Petitioners contend that the requisite certificate annexed at page 14 of respective writ petition had been sought to be submitted to the returning officer on the date of scrutiny of

nominations on 19-10-2015, however, the same had not been accepted and the impugned order rejecting petitioners' nominations has been passed.

3. Learned Assistant Government Pleaders for respondent no. 1 and learned counsel for election commission and returning officer – respondents no. 2 and 3, however, dispute aforesaid submission, stating that said certificate had never been tried to be submitted before scrutiny was over. They further refer to that even if the certificates are accepted, yet nominations of the petitioners cannot be accepted for the reason that that is not supported by any resolution of *gram sabha* which the requirement under section 14(1)(j-5) of the Maharashtra Village Panchayats Act which reads thus;

“ 14. Disqualifications (1) No person shall be a member of a Panchayat continue as such who-

(j-5) fails to submit a certificate of the concerned panchayat, along with the resolution of the Gram Sabha certifying that,-

*(i) he resides in a house owned by him and has a toilet in such house and he regularly uses such toiled;
or*

(ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the public toilet. “

4. This position not being in dispute, petitions are rendered devoid of any merits and stand rejected accordingly

SUNIL P. DESHMUKH, J.

pnd