

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4268/2015

Pramila W/o Mangesh Mhaske

..Versus..

The Tahsildar Sindakhed Raja/Returning Officer, Maharkhed and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.D. Karode with Shri P.R. Wagh, Advocates for the petitioner.
Shri K.L. Dharmadhikari, A.G.P. for respondent no.1.
Shri P.A. Khirsagar, Advocate for respondent no.2.

CORAM : Z.A. HAQ, J.

DATE : 24.7.2015

Heard Shri R.D. Karode, the learned advocate for the petitioner, Shri K.L. Dharmadhikari, the learned A.G.P. for respondent no.1 and Shri P.S. Khirsagar, the learned advocate for the respondent no.2.

The grievance of the petitioner is that her nomination form has been wrongly rejected on the ground that she is holding an office of profit as she is working with the Medical Officer Rural Hospital, Sindkhedraja.

Shri Karode, the learned advocate for the petitioner has submitted that the petitioner is neither servant of the Local Authority as contemplated by Section 14(1)(i) of the Maharashtra Village

Panchayats Act nor she is holding salaried office or place of profit with the Grampanchayat as contemplated by the Section 14(1)(f) of the Maharashtra Village Panchayats Act.

The learned A.G.P. has pointed out the order dated 8th June, 2009 issued by the Taluka Health Officer, Sindkhedraja appointing the petitioner. It is submitted on behalf of the petitioner that the order dated 8th June, 2009 is not an order making regular appointment of the petitioner.

Be that as it may, disputed questions of facts are involved, which cannot be gone into at this stage. The reliance placed by the learned advocate for the petitioner on the judgment given by the High Court of Patna in the case of *Veena Devi w/o Shri Manoj Kumar Chaudhary V/s. The State Election Commissioner, Bihar, through State Election Commissioner, Bihar and others* on 15/5/2014 and the judgment given by the Hon'ble Supreme Court in the case of *Anokh Singh V/s. Punjab State Election Commission* reported in **(2011) 11 SCC 181** cannot be considered at this stage. With liberty to the petitioner to seek redressal of her grievance before the appropriate Forum, if so advised, the petition is disposed of. No costs.

Tambaskar.

JUDGE