

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**TUESDAY, THE TWENTY FIFTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19470 of 2015

Between:

Anthi Reddy Ravinder, S/o. Gangaiah,
Aged 38 years, Occ: Sarpanch,
R/o. Sampally Village, Dichpally Mandal,
Nizamabad District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary to Government,
(Panchayat Raj Department),
Secretariat Buildings, Hyderabad & 4 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner claims to have been elected as Sarpanch in the year 2013 for Sampally Gram Panchayat, Dichpally Mandal in Nizamabad District. According to the petitioner, he fell sick in May, 2015, and for some time, he was not able to attend the duties. However, he recovered from ill-health and thereafter, he has been attending to his duties. While so, on 22.06.2015, orders are passed by the District Collector (Panchayat Wing), Nizamabad District (2nd respondent) holding that the petitioner is unable to perform his duties as Sarpanch due to health conditions and appointing the Deputy Sarpanch as the In-charge Sarpanch. Aggrieved thereby, this writ petition is filed.

2. Learned counsel for the petitioner contends that it was only a temporary illness and illegally and without verifying the true facts, the impugned order is passed. The passing of such order is contrary to the mandate of the A.P. Panchayat Raj Act, 1994. There is no basis for the District Collector to hold that the petitioner is unable to perform the duties as Sarpanch on health grounds and such decision is without any basis and justification. Learned counsel submits that the petitioner has sufficient material to support his claim that he is hale and healthy and he is competent to discharge

his duties and responsibilities.

3. Having regard to the fact that the petitioner was removed from the assignment on the ground of ill-health and the Deputy Sarpanch is now assigned the responsibilities as the In-charge Sarpanch, the Writ Petition is disposed of granting liberty to the petitioner to make a representation to the District Collector, (Panchayat Wing), Nizamabad District (2nd respondent) enclosing the medical record in support of his claim that he is now fit to perform the duties as Sarpanch. It is needless to observe that as long as duly elected Sarpanch is in office, he is entitled to discharge his duties and responsibilities as Sarpanch. Thus, even on health grounds if a Sarpanch is dispensed with from discharging responsibilities, it would be only in extraordinary circumstances and such dispensing with should be only for a limited period till the Sarpanch recoups from the illness, but it cannot be a permanent dispensing with on that ground. It appears that no medical examination was conducted earlier before he was divested of responsibilities as Sarpanch. Thus, the District Collector shall consider the claim of the petitioner for restoration of his powers and responsibilities as Sarpanch and pass appropriate orders, as warranted by law, within a period of two (2) weeks from the date of receipt of a copy of this order. If necessary, the District Collector may require the petitioner to undergo medical examination before the District Head Quarters Hospital. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition

shall stand closed.

P.NAVEEN RAO, J

Date: 25th August, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.19470 of 2015

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Date: 25th August, 2015

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