

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO. 232 OF 2016
IN
WRIT PETITION NO. 2068 OF 2015**

Balkrushna Sopan Mahandule

..APPLICANT

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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Mr. Sachin Deshmukh, Advocate h/f Mr. S.B. Rajebhosale, Advocate for applicant.

Mr. B.A. Shinde, A.G.P. for Respondent - State.

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**CORAM : T.V. NALAWADE, J.
DATED : 23rd NOVEMBER, 2016**

ORDER :

1. Review application is filed in respect of decision given by this Court in Writ Petition No. 2068 of 2015 on 21st October, 2016. Heard learned Counsel for applicant.

2. This Court has decided the matter of disqualification under the provisions of Maharashtra Village Panchayats Act, 1959. There are two decisions of Division Bench for interpretation of Section 10(1A) of the Act. This Court has considered the section and also the observations

made by two Division Benches and law precedent. This Court has held that it is open to this Court to choose one of the two decisions – interpretations and this Court has relied on the decision of 2010 case made by the Division Bench and it is in consonance with the provisions of the Act.

3. Learned Counsel for petitioner took this Court through some observations made by the Apex Court in the case reported as **2014 Cri.L.J. 2245 (Sundeep Kumar Bafna Vs. State of Maharashtra and Another)** and submitted that there are observations made by the Apex Court that earlier decision of Apex Court needs to be followed. This is with regard to the decision of Apex Court. Though propriety of not considering or following the decision of the Bench having equal strength is discussed by the Apex Court, the fact remains that it is the election matter and there are two decisions for interpreting similar provisions. This Court has considered the law of precedent which needs to be used in such circumstance and the provision is also considered by this Court. There is no possibility of review. The application stands rejected.

(T.V. NALAWADE, J.)

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