

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

WRIT PETITION NO. 11853 OF 2016

Shilpa w/o. Ram Dudhatkar,
Age : 29 years,
Occ. Household and Sarpanch,
r/o. Rohilagad, Tq. Ambad,
Dist. Jalna

..Petitioner

Vs.

The State of Maharashtra,
Through the Secretary,
Village Development Department,
Mantralaya, Mumbai – 32
and ors.

..Respondents

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Mr.V.V.Udhan, Advocate for petitioner

Mr.A.V.Deshmukh, AGP for respondent nos.1 to 3

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**CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.
DATE : NOVEMBER 30, 2016**

PER COURT :

Heard.

2. The petitioner/Sarpanch is objecting to the order/letter dated 06.09.2016 passed by respondent no.4 – Block Development Officer, Panchayat Samiti, Ambad, Dist. Jalna, directing

Up-sarpanch to discharge the functions of Sarpanch, Village Panchayat, Rohilagad, Tq. Ambad, Dist. Jalna, in her absence.

3. According to the petitioner, she has preferred an appeal before the appellate forum, challenging the impugned order passed by respondent no.4 and as such, it cannot be legally contended that the post of Sarpanch had fallen vacant. The petitioner, as such, submits that the observations in the impugned order passed by respondent no.4 – Block Development Officer in respect of occurrence of vacancy in the office of Sarpanch, shall have to be overlooked, which contention is legally correct.

4. Since the no-confidence motion has been passed against the petitioner/Sarpanch in the meeting held on 29.07.2016, and the Sarpanch has been removed from office, it became necessary for respondent no.4 to issue the impugned order/letter dated 06.09.2016.

5. In view of above, in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India, no interference is warranted.

6. The Writ Petition accordingly stands disposed of.

[SANGITRAO S. PATIL, J.]

[R.M. BORDE, J.]

kbp