

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

2 WRIT PETITION NO. 3189 OF 2016

SAYYAD RUKSANA JAKER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. Aniruddha S. Usmanpurkar, Advocate, for petitioner.

Shri. S.R. Yadav, Assistant Government Pleader, for
respondent Nos.1 and 2.

Shri. G.B. Kulkarni, Advocate, for respondent No.3.

CORAM: T.V. NALAWADE, J.

DATE : 22 AUGUST 2016

ORDER:

1) The petition is filed to challenge the order of disqualification made under the provision of Section 14(1) (j-1) of the Maharashtra Village Panchayats Act by the Additional Collector Jalna and also to challenge the decision of the appellate authority. Both the sides are heard.

2) The petitioner Smt. Sayyad Ruksana was a member of Village Panchayat Ashti, Tahsil Partur, District Jalna. In the proceeding her husband was made party opponent. In the elections which took place in the year 2012 she had declared that after 12-9-2001 no issue was born to her and all the five issues were born to her prior to the relevant date.

3) It is the case of the present respondent Nos.2 to 5 who had filed petition for disqualification that the present petitioner had supplied false information in the nomination form and the fifth issue was born to her after 12-9-2001. They contended that after election they could collect information from the authorities and other persons and so they have filed the proceeding for disqualification on the ground that on the date of the nomination the petitioner was having more than 2 issues and the last issue was born after the relevant date.

4) The petitioner filed her say to the petition and she denied that 5th issue was born after the relevant date. It is her case that the last issue was born on 1-4-2000

and after that no issue was born to her. She contended that false record regarding the birth of 5th issue after the relevant date was created against her out of political rivalry.

5) When the petitioner was admitting that she has five issues burden was heavy on her that the 5th issue was born prior to the relevant date. She produced record like entry made by one school of Zilla Parishad from Ashti to show that the said issue, son, was born to her on 1-4-2000. She also produced a certificate of BHMS doctor in support of her case. On the other hand, the record of Anganwadi of the village was produced to show that said son of the petitioner was born in 2002 and such information was supplied to the Anganwadi by parents. This record is collected by exercising right given under Right to Information Act. It appears that the authority had collected information from the village panchayat and it was informed that the incident of birth of the said issue was not informed to the local body and there was no registration of date of birth. The submission made shows that no record of birth in respect of all the issues is there

with the petitioner. First four issues were daughters. Information was sought from the school which according to the petitioner had issued certificate on the basis of entry made in the school register and the information shows that in that school the son was not admitted. Learned counsel for the petitioner submitted that son was admitted in different school by name Primary School Nutan Ashti and the record of that school ought to have been collected. In any case there is nothing with the petitioner to show that birth certificate was produced in the school for making such entry. Such record is also not that convincing as the record shows that after completion of age of 7 years the said son was shown to be admitted first time in the school and the year of birth of the son was shown as 2000. As against this, there is record of Anganwadi as mentioned above where information was supplied first in time. The petitioner has made an attempt to produce even certificate issued by the Village panchayat Ashti in respect to the date of birth and the authority had informed that there was no such entry showing that son was born on 1-4-2000 to the petitioner. Thus apparently false record was created and these

circumstances are considered by the Collector and the appellate authority. So this Court holds that there is no possibility of interference in the decision given by the authority to disqualify the petitioner. In the result, the petition stands dismissed.

Sd/-
(T.V. NALAWADE, J.)

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