

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

WRIT PETITION NO. 4597 OF 2015

Ku.Vandana Namdev Aswale and others

-vs-

The State of Maharashtra, thr.its Secretary, Department of National Health Mission & others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. M.D.Lakhey, counsel for the petitioners.
Mr. Prakash Tembhare, AGP for the respondent Nos.1 and 2.
Mr. M.M.Sudame, counsel for the respondent No.3.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 01.02.2016.

Heard.

The challenge in the writ petition is to the communication dated 15/04/2015 that has been issued by the respondent No.2 wherein it has been stated that on election of a person on the post of Member of the Gram Panchayat, a choice has to be made with regard to continuation either as a Swayansevika of ASHA or the membership of the Gram Panchayat.

An identical issue raising similar challenge was considered in Writ Petition No.5559 of 2015 and by order dated 06/10/2015, it was held that no fault could be found interfere with the direction issued by the Commissioner to choose one of the offices. It was held that the object behind directing the concerned to make a selection was with a view that the duties of one of the offices could be performed satisfactorily. Hence, for the reasons assigned in the order dated 06/10/2015, we do not find that there is any case made out to interfere in writ jurisdiction.

At this stage, Shri Lakhey, learned counsel for the petitioners, on instructions, states that the petitioners are willing to

resign from the post of Member of Gram Panchayat. If the petitioners give up their membership of the Gram Panchayat within a period of one week from today, the petitioners could be entitled to continue as Swayansevikas of ASHA, the scheme floated by the Central Government. Subject to what is stated above, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE