

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

WRIT PETITION NO. 3817 OF 2017

Smt. Vijaymala w/o. Prabhakar Ganjare .. Petitioner
Age. 39 years, Occ. Household,
R/o. At Post Hanumantwadi,
Tq. Kandhar, Dist. Nanded.

Versus

1. The State of Maharashtra .. Respondents
Through its Secretary
Rural Development Department,
Mantralaya, Mumbai – 32.
2. The Additional Commissioner,
Aurangabad Division, Aurangabad.
3. The Additional Collector,
Collector Office, Nanded.
4. The Block Development Officer,
Panchayat Samitis, Kandhar,
Tq. Kandhar, Dist. Nanded.
5. The Gramsevak,
Village Panchayat Hanumantwadi,
Tq. Kandhar, Dist. Nanded.
6. Maroti s/o. Pundlik Pawar
Age. 41 years, Occ. Agri.,
R/o. Hanumantwadi, Tq. Kandhar,
Dist. Nanded.

Mr.B.V. Thombre, Advocate for the petitioner.
Mr.S.K. Tambe, AGP for respondent/State.
Mr.S.B. Pulkundwar, Advocate for respondent No.4.
Mr.S.B. Solanke, Advocate for respondent No.6.

CORAM : S.B. SHUKRE,J.

DATED : 21.03.2017

ORAL JUDGMENT :-

1. Heard. Issue notice for final disposal to respondent Nos. 1,2,3,4 & 6. There is no need to issue notice to respondent No.5, being a formal party. Learned AGP waives notice for respondent No.1 to 3, Mr. S.B. Pulkundwar, Advocate waives notice for respondent No.4 and Mr.S.B. Solanke, Advocate waives notice for respondent No.6.

2. Rule. Rule made returnable forthwith and heard finally by consent.

3. On going through the impugned order, I find that it is based upon the facts disclosed during the course of enquiry conducted by the Extension Officer. The report of the Extension Officer clearly shows that cheque of Rs.1,50,000/- was issued in the name of the petitioner, for the Grampanchayat work to be done by the petitioner. The report further shows that this amount was also credited to the account of the petitioner. Obviously,

these acts would be enough to reach the conclusion that the Sarpanch i.e. the petitioner has interest in the work of the Grampanchayat and not only that by not carrying out the work, has also misappropriated the amount of the Grampanchayat. This is a serious misconduct on her part. There is no material available on record which shows that these acts are not performed by the petitioner. Therefore, no assistance could be sought by the petitioner from the judgment of this Court rendered in Writ Petition No. 691 of 2011 on 08.03.2011, wherein there was a suspicion about withdrawal of the amount.

4. In these circumstances, I do not see any perversity or patent illegality in the impugned order. The writ petition is liable to be dismissed as devoid of any merits. The writ petition stands dismissed with costs. Rule is discharged.

[S.B. SHUKRE, J.]