

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

WRIT PETITION NO. 1523 OF 2017

Shrimant Dada Dandge
age 41 years, occ. Agri
r/o Varud Kazi
Tq. & Dist. Aurangabad

.. PETITIONER

VERSUS

1. The State Co-operative Election Authority
Maharashtra State, Pune.
2. The Returning Officer
Sultanpur Varud Vevidha Karyakari
Seva Sahakari sanstha M,
Tq. & Dist. Auragabad
Office at Balasaheb Pawar Sahakar Bhavan
Second Floor, Jafarget, Mondha Naka
Aurangabad
Tq. & dist. Aurangabad.
3. Vikas Raosaheb Dandge
age 50 years, occ. Agri.
r/o varud Kazi,
Tq. & Dist. Aurangabad.
4. Dy. Registrar, Co-operative Society
Tq. Aurangabad
Office at Lakshimi Apartment,
In front of Motiwala complex
Nageshwarwadi road,
Nirala Bazar
Aurangabad

.. RESPONDENTS

Mr. E.S. Murge, advocate for petitioner.
Ms. R.P. Gour, AGP for the State.
Mr. s.K. Kadam, advocate for respondent nos. 1 and 2.
Mr. S.S. Thombre, advocate for respondent no. 3.

=====

**CORAM : S. B. SHUKRE, J.
DATE : 9th FEBRUARY, 2017.**

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith.

2. Heard finally by consent of the learned counsel for respective parties.

3. At the center of the controversy raised by petitioner, lies the order of the Honourable Apex Court passed on 21st November, 2016, in SLP No. 21780/2016. Interpreting this order in favour of respondent no. 3, respondent no. 2 has accepted nomination paper of respondent no. 3 rejecting objection taken in that regard by petitioner. The objection was to the effect that respondent no. 3 had incurred disqualification on account of his having a third child, born after the stipulated date as held by this Court while deciding Writ Petition No. 7682/2011 on 26th October, 2016.

4. In these circumstances, it would be necessary to once again look into the order passed by the Honourable Apex Court. Relevant portion of the order reads as under :

“Status quo with regard to the status of the petitioner in the Gram Panchayat as on today shall continue, until further orders.”

5. Although it is the contention of learned counsel for petitioner that on 21st November, 2016, respondent no. 3 was disqualified member and therefore, status quo was only in relation to his disqualification and as such, respondent no. 2 ought not to have accepted nomination paper of respondent no. 3, I find that the contention cannot be accepted, if one reads the order in its proper perspective. The order is clear and directs that status quo with regard to the status of petitioner/respondent no. 3 herein in the Gram Panchayat as on 21st November, 2016, be maintained, until further

orders. When the Honourable Apex Court has granted status quo in relation to the status of respondent no. 3 in Gram Panchayat, it is to be understood as the status quo qua the membership of respondent no. 3 in the Gram Panchayat. It cannot be understood as status quo vis-a-vis disqualification, for the reason that if disqualification was to be continued, status quo would not have been granted.

6. Even otherwise, I must say that petitioner's remedy to seek redressal of his grievance would not stand closed if this petition is rejected and, he would still have remedy in the nature of election dispute, which is much more comprehensive in its nature. If petitioner has any doubt in this case, he may resort to appropriate remedy.

7. In this view of the matter, I am not inclined to allow this petition. Petition stands dismissed with costs. Rule discharged.

(S. B. SHUKRE)
JUDGE