

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2873 OF 2016
(Sanmukh Dnyaneshwar Suknale Patil Vs. The State of Maharashtra
and others)

Mr.R.T.Nagargoje, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent Nos.1 to 3.
Mr.U.B.Deshmukh, Advocate for respondent No.5.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 07/06/2017

PER COURT :

1. The petitioner is aggrieved by the order dated 20/08/2015 passed by the competent authority/respondent No.3 thereby disqualifying the petitioner as a member of the Gram Panchayat by invoking Section 14(1)(g) of the Maharashtra Village Panchayat Act. The petitioner is also aggrieved by the order dated 18/12/2015 passed by the Appellate Authority/respondent No.2 sustaining the disqualification of the petitioner.

2. I have considered the strenuous submissions of Mr.Nagargoje, learned Advocate for the petitioner and the learned AGP on behalf of respondent Nos. 1, 2 and 3 and the learned Advocate for respondent No.5.

3. The petitioner was before respondent No.3 in the proceedings initiated by the Sarpanch of Gram Panchayat, Martoli, Tal.Degloor, Dist.Nanded. The Sarpanch/respondent No.5 had invoked Section 14 and 15 of the Act for seeking disqualification of the petitioner who was a Deputy Sarpanch of the said Gram Panchayat. Allegations were that the petitioner had received amounts of Rs.1,43,800/- on 05/05/2014, Rs. 45,574/- on 06/05/2014, Rs.93,800/- on 23/01/2015, Rs.30,000/- on 30/10/2014 and Rs. 40,000/- on 03/11/2014 by cheque payments in connection with the laying of the concrete road in the village and for cleaning the drainage gutters.

4. The contention of the petitioner is that he was appointed as a caretaker of these public works by the Grampanchayat and he has accepted these amounts through cheque payments for disbursing the wages of the workers who have performed the work. It is contended that the petitioner himself has not utilized any funds for his personal purposes.

5. Section 14(1)(g) of the Act reads as under :-

“14(1) :- No person shall be a member of a Panchayat continue as such, who -

(a) to (f)

14(1)(g) :- has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the Panchayat, or in any contract with, by or on behalf of, or employment with or under, the Panchayat, or.”

6. It is, therefore, obvious that the petitioner was not expected to directly or indirectly involve himself in any such work being done under the orders of the Panchayat by which it would tantamount to his having a share or interest in any such work done. Being a member of the Panchayat, he is not expected to commit such acts as are enumerated under Section 14(1) of the Act.

7. Learned Advocate for the petitioner strenuously submits that he is taking good care of the public works to be done. He was appointed as a caretaker. In my view, having been entrusted to overlook the public works would not mean that the petitioner was entitled to withdraw amounts from the accounts of the Gram Panchayat and utilize the said funds for the public works mentioned above.

8. Considering the fact situation, I do not find that the impugned orders passed by respondent Nos. 3 and 2 respectively could be

termed as being perverse or erroneous. The petitioner has been rightly disqualified as a member of the Gram Panchayat u/s 14(1)(g). The impugned orders do not call for any interference. This petition, being devoid of merits, is therefore, dismissed.

9. Pending civil applications, if any, stands disposed of.

(Ravindra V.Ghuge, J.)