

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

903 WRIT PETITION NO. 6943 OF 2016

SARDAR SURENDER SINGH AJAIB SINGH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. R.S. Deshmukh
GP for Respondents: Mr. A.B. Girase
Sr. Advocate for Respondent No.4 : Mr. P.M. Shah i/b Mr. S.P. Shah

CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: March 15, 2017

PER COURT :-

1 The petitioner has raised objection in respect of competency of respondent No.4 to continue as a Member of Legislative Assembly. According to the petitioner, respondent No.4 has incurred disqualification in view of Article 191(1)(a) since respondent No.4 holds the office of profit under the Government of India or the Government of State specified in the first schedule other than the office declared by the legislature of the State by law not to disqualify its holder. The decision in respect of disqualification of a Member is required to be taken by the Governor of State in terms of Article 192 of the Constitution of India. The petitioner shall have liberty to approach the His excellency the Governor of Maharashtra for redressal of his grievance in terms of Article 192 of the Constitution of India and His Excellency the Governor may in terms of sub rule 2 of Article 192, after obtaining the opinion of the Election Commission, take appropriate decision in the matter.

2 With liberty as aforesaid, writ petition stands disposed of.

3 Liberty to correct the title of respondent No.2 is granted. Amendment be carried out forthwith.

(P.R. BORA, J.)

(R. M. BORDE, J.)