

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6735 OF 2017

Yogesh Maruti Rakshe .. Petitioner
Vs.
Ankush Maruti Tavre & Ors. .. Respondents

Mr. P. B. Shah i/b Mr. Shah K. P. for the Petitioner.
Mr. Nitin Dhumal for Respondent No.1.
Mr. S. D. Rayrikar, AGP for the Respondent-State.

CORAM : A. S. GADKARI, J.
DATE : 7th AUGUST, 2017.

P. C. :

1. By the present petition under Article 227 of the Constitution of India, the petitioner has taken exception to the order dated 02.05.2017 passed by the Additional Commissioner, Pune Division, Pune rejecting the appeal of the petitioner and confirming the order dated 28.09.2015 passed by the Additional Collector, Pune rejecting the application of the petitioner under Section 14(i) of the Maharashtra Village Panchayat Act taking objection to the election of respondent No.1.

2. The petitioner and respondent No.1 contested the election of Grampanchayat Tavrewadi, Taluka Ambegaon, District Pune. The petitioner has to face defeat and the electorate elected respondent No.1 as their representative. The petitioner, therefore, moved an application under Section 14(i) of the Maharashtra Village Panchayat Act on the ground that respondent No.1 was employed with the Government aided

school and did not seek prior permission from the said employer before contesting the election. The Chief Executive Officer, Pune Zilla Parishad submitted a report dated 09.12.2014 to the Collector of Pune intimating that respondent No.1 has violated the provisions of Section 14(i) of the Village Panchayat Act. The Additional Collector by its order dated 28.09.2015 rejected the application of the petitioner on the ground that there is no evidence on record to indicate that the respondent No.1 submitted false and/or bogus information at the time of contesting the election. It is further held that the School i.e. Vidya Vikas Mandir, Avsari, District Pune by its letter dated 15.03.2013 in fact had granted permission to respondent No.1 to contest the election.

The record clearly indicates that the elections were conducted on 13.03.2013 and the said School had granted *post facto* sanction to respondent No.1 in that behalf. It is, thus, clear that as a matter of fact there is a sanction on record though it is a *post facto* sanction which was accorded within a period of two days from the date of contesting the election.

Thus, according to me, the Additional Collector, Pune and the Additional Commissioner, Pune in the impugned orders have not committed any error or irregularity either in law or on facts while reaching to the conclusion, thereby rejecting the application of the petitioner.

The petition being devoid of any merits, is accordingly rejected.

[A. S. GADKARI, J.]