

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3169 OF 2018

MANIK KASHIRAYA VHANAJE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. N.P. Patil-Jamalpurkar.
AGP for Respondent No. 1 to 3 : Mr. S.R. Yadav-Lonikar.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 26th March, 2018

PER COURT :

1. The petitioner who is an elected representative, is aggrieved by the order passed by the Additional Commissioner, Aurangabad, thereby, refusing to grant interim protection in Appeal No. 21/2018.

2. I have heard Shri Patil, learned advocate for the petitioner and the learned AGP on behalf of respondent Nos. 1 to 3.

3. Issue is as regard the fourth child of the petitioner. Contention is that the fourth child, which is a girl child, by name Nandini, is not the biological child of the petitioner. She is the daughter of one Parvati, a lady residing in the same village. The petitioner has no information about the biological father of Nandini.

Since, the petitioner was a President of the Mahatma Gandhi Tanta Mukti Samiti from the year 2007 to 2016, he came across Nandini and decided to adopt her. He, therefore, submits that she is not the fourth child of the petitioner and the earlier three children have been born prior to the year 1995.

4. The Petitioner is unable to state as to who is the biological father of Nandini. The District Collector, Osmanabad, while disqualifying the petitioner under Section 14 (1) (J-1) of the Maharashtra Village Panchayat Act, has recorded in his conclusions in paragraph No. 2, on the basis of the record that the birth record of Nandini indicates the name of the mother as Parvati and the name of the father as Manik, who is the petitioner herein. The District Collector, has therefore, disqualified the petitioner for having fathered a girl child after the introduction of the amendment on 13/09/2000.

5. When called upon as to whether the petitioner is agreeable for the DNA test along with the child Nandini and the mother Parvati, he has submitted that he is not agreeable for this test at this stage and cannot make a

statement regarding the same.

6. Considering the above, I do not find in the impugned order dated 21/03/2018, refusing interim protection to the petitioner could be termed as being perverse. This petition is devoid of merit and is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

S.P.C.