

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

982 WRIT PETITION NO. 4345 OF 2018

VARSHA BABASAHEB JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.C.R.Thorat
AGP for Respondents : Mr.S.S.Dande

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**CORAM : R.M.BORDE AND
K.K.SONAWANE, JJ.**

DATE: 27th April, 2018

PER COURT:-

1. The election program for electing Sarpanch has already been declared and the meeting is scheduled on 02.05.2018.

2. The petitioner was holding the post of Sarpanch and has been disqualified for the post in view of breach of Section 14 of the Maharashtra Village Panchayat Act. The breach is committed by remaining absent consecutively for number of meetings of the Village Panchayat.

3. By taking recourse to Section 14 of the Maharashtra Village Panchayat Act, the order of disqualification passed against the petitioner is subject matter of challenge before the Appellate

Forum i.e. Divisional Commissioner, Aurangabad and Appeal is pending.

4. The learned counsel for the petitioner contends that considering the pendency of the Appeal before the Appellate Forum, the vacancy of the Sarpanch shall not be filled in.

5. The submissions of the learned counsel for the petitioner are devoid of substance. The election for the post of Sarpanch is being conducted in observance of statutory provisions.

6. No case is made out for causing interference in the impugned order in exercise of extraordinary jurisdiction conferred under Article 226 of the Constitution of India.

7. The petition is devoid of substance, hence stands rejected.

8. It is directed that the Divisional Commissioner shall decide the Appeal as expeditiously as possible and preferably within four months from today.

(K.K.SONAWANE)
JUDGE

(R.M.BORDE)
JUDGE