

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.809 OF 2019

GOKUL RATAN BHIL AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Paresh B.Patil, Advocate for the petitioners.  
Mr.N.T.Bhagat, AGP for respondent Nos. 1 and 2.

**( CORAM : Ravindra V.Ghuge, J.)**

**DATE : 11/12/2019**

PER COURT :

1. Issue is as regards disqualification of both these petitioners on account of not having a toilet in their house and not using a toilet regularly, u/s.14(1)(j-5) (Wrongly mentioned (j-1) in the petition) of the Maharashtra Village Panchayats Act.
2. Both the petitioners rely on certificates issued by the Gram Sevak dated 27/12/2016 and 18/09/2017, respectively, declaring that both these petitioners have their own toilet blocks in their house and they are using the same.
3. The record reveals that both these petitioners were elected as

Members of the Village Panchayat after the result of the elections were declared in the month of July 2015. Apparently, both have not tendered the resolution of the Gram Sabha that they have a toilet in their house and are using it and / or that they are using a public toilet available in the said village. The law mandates a declaration in specific form at the time of filing the nomination papers and not after 2 years of the date of election. A candidate is eligible to contest the election if he has a toilet and is using it regularly on the date of the filing of the nomination forms.

4. The report submitted by the Block Development Officer of Panchayat Samiti, Erandol dated 14/09/2016 indicates that both these petitioners do not have a properly constructed toilet and they are not using the said toilet.

5. In view of the above, this petition is devoid of merit and is therefore dismissed.

**( Ravindra V.Ghuge, J.)**