

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

931 WRIT PETITION NO.10349 OF 2019

SMT BEBITAI GHANSHAM SURYAWANSHI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Suresh P. Salgar, Advocate for the Petitioner.
Mrs. A. V. Gondhalekar, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 21st AUGUST, 2019.

PER COURT:-

1. Mr. Salgar, learned counsel for the petitioner submits that the post of Sarpanch is reserved for OBC. Respondent nos.3 and 4 belong to OBC. The proceeding under Section 14(1)G of the Maharashtra Village Panchayat Act is pending against them. These respondent nos.3 and 4 were absent when the election was earlier held for the post of Sarpanch. According to the learned counsel no fruitful purpose would be served by conducting election. The learned counsel in alternate submits that the proceeding under Section 14(1)G of the Maharashtra Village Panchayat Act pending against the respondent nos.3 and 4 be directed to be decided by the authorities.

2. The learned A.G.P. accepts notice for respondent nos.1 and 2 and submits that as far as pendency of proceedings are concerned. the authority would decide it in accordance with law.

3. The respondent nos.3 and 4 are not yet disqualified by any authority. Even otherwise, the eligibility of the candidate to contest has to be considered while considering the nomination papers. The said stage has not yet arrived. It would not be appropriate to stall the election for the post of Sarpanch.

4. As far as proceeding under Section 14(1) G is concerned, naturally the authority before whom the proceedings are pending would decide the same on its own merits, in accordance with law and procedure and expeditiously.

5. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE