

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

WRIT PETITION NO. 12580 OF 2019

Anuja Kalyan Gore .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri D. J. Choudhary, Advocate for the Petitioner.
Shri S. B. Yawalkar, Addl.G.P. for Respondent Nos. 1 and 2.
Shri K. B. Jadhavar, Advocate for the Respondent No. 3.
Shri Avinash A. Khande, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.
DATE : 16TH OCTOBER, 2019.**

FINAL ORDER :

. Mr. Chaudhary, the learned counsel for the petitioner submits that, the petitioner has filed an appeal against the order disqualifying the petitioner as Sarpanch. Along with appeal stay petition is filed. Orders are not passed on stay petition. The learned counsel further submits that, the respondents be directed not to take adverse action against the petitioner. The learned counsel further submits that, enquiry is conducted by the officer of the village panchayat. The enquiry is required to be conducted by the Chief Executive Officer.

2. Amongst the other charges against the petitioner one of the charge is that though the petitioner is Sarpanch, husband of the

petitioner is conducting proceedings of the village panchayat. Stand taken by the petitioner is that, the petitioner was not keeping good health on the said date, so husband has conducted the proceeding. We fail to understand, how the husband of the petitioner would enter in the office of the village panchayat and officiate in place of the petitioner. That would indicate the petitioner is proxy of the husband and husband of the petitioner is conducting affairs of the village panchayat. We cannot come to the aid of such a litigant. In view of that, we are not inclined to pass further orders.

3. As far as contention of the petitioner that, her right to get decided stay petition is concerned, it is submitted by the learned Addl. G. P. that, proceedings are to be decided by the Minister and same would be decided after formation of new Government. The respondents shall decide the stay petition within a period of fifteen (15) days from the date of formation of new Government positively.

4. In view of the above, the writ petition is disposed of.

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]