

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13259 OF 2019

MEENA DATTU GODAGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the petitioner : Smt. S.G.Sonawane
AGP for respondent No.3 : Shri S.R.Yadav-Lonikar

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 22, 2019
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PER COURT:-

1. Leave to add Kelwad Gram Panchayat as respondent No.5.
Addition be carried out forthwith.

2. The petitioner / Sarpanch is aggrieved by the election programme declared so as to conduct the elections to the post of Sarpanch on 23.10.2019. Grievance is that when the petitioner is still a Sarpanch, there cannot be an election to elect a new person in her place.

3. I have considered the submissions of the learned Advocate for the petitioner and the learned AGP on behalf of respondent No.3.

4. The record reveals that a special meeting was convened on 6.8.2019 to consider the resignation letter of the petitioner. The

notice of the meeting was issued on 31.7.2019. In the said meeting, the petitioner admitted her signature on a paper which appear to be her resignation letter. She admits that it was her resignation letter dated 23.7.2019 and she is now withdrawing the said resignation letter. She rose to speak in the special meeting and declared that her resignation be treated as having been cancelled and withdrawn. The proceedings indicate that the meeting was in-conclusive and was concluded by recording the statement of the petitioner. Thereafter, there has been no development in the matter, except that the Kejwad Grampanchayat, through the Presiding Officer appointed by the State Election Commission, declared that an election would be held on 23.10.2019.

5. Prima facie, it appears that the meeting held on 6.8.2019 leads to a presumption that the members of the meeting accepted the statement of the petitioner that her resignation be treated as cancelled and withdrawn.

6. In view of the above, issue notice to the respondents, returnable on 2.12.2019.

7. The learned AGP waives service for respondent No.3.

8. Considering the peculiar facts as recorded above, though the election may be conducted on 23.10.2019, the results of the election shall not be declared and shall be preserved until further orders.

9. Copies of the petition paper book shall be furnished for issuance of notice on/or before 5.11.2019, failing which this petition shall stand dismissed without reference to the Court on 6.11.2019.

(RAVINDRA V. GHUGE, J.)

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akl/d