

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14228 OF 2019

Radhika Maruti Jadhav
Age 62 years, Occ. Agriculture
and Member, Patoda Grampanchayat,
Beed, R/o Patoda (Belkhandi),
Tq. and Dist. Beed.

..Petitioner

Versus

1. The State of Maharashtra
Through Secretary,
Rural Development Department,
Mantralaya, Mumbai 400 032.

2. The Collector,
Beed.

3. Tahsildar, Beed.

4. The Additional Divisional
Commissioner, Office of the
Divisional Commissioner,
Delhi Gate, Aurangabad 431001

..Respondents

...
Advocate for Petitioner : Shri Sayyed Tauseef Yaseen
AGP for Respondents 1 to 4 : Shri Yadav-Lonikar S.R.

...

CORAM : RAVINDRA V. GHUGE, J.
Dated: November 25, 2019

...

ORAL JUDGMENT:-

1. Heard.

2. Rule.

3. Rule made returnable forthwith and heard finally by the consent of the parties.

4. The petitioner is an elected Member of the Patoda (Belkhandi) Gram Panchayat. The results of the election were published by notification dated 11.10.2017. The Tahsildar, Beed issued her a notice on 6.2.2018 under Section 14-B of the Maharashtra Village Panchayat Act calling upon her to explain as to why she should not be disqualified for having failed in lodging her account of election expenses within the time prescribed and in the manner required by the State Election Commission. She tendered her explanation on 14.3.2018 stating therein that she is a lady candidate and comes from a rural area. She is ignorant of the provisions of law and therefore, she was unaware that such election expenses have to be lodged with the competent authority.

5. Since the District Collector disqualified the petitioner by order dated 7.7.2018, the petitioner approached the Additional Divisional Commissioner, who also rejected her appeal by order dated 22.10.2019.

6. Shri Sayyed, learned Advocate appearing on behalf of the

petitioner strenuously submits that these are peculiar elections held in rural areas. In order to ensure representation from the grass root levels, candidates are permitted to contest such elections irrespective of their educational qualification. An illiterate person is entitled to contest election. In this backdrop, the delay of 3 months beyond the limitation period of 30 days, can be condoned in the peculiar facts of this case.

7. The learned AGP appearing on behalf of the respondents submits that ignorance of law is not an excuse and no benefit can be derived by any litigant on the basis of the defense that he or she is ignorant of law. He submits that this Court should not show misplaced sympathy to the petitioner by condoning the delay, lest, the order of this Court would be cited as a verdict accepting ignorance of law to be an excuse.

8. I find that it would be apposite to reproduce Section 14B of the said Act, hereunder:-

"14B. Disqualification by State Election Commission. - (1) If the State Election Commission is satisfied that a person,-

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the Official Gazette, declare him to be disqualified and such person shall be disqualified for being a member of panchayat or for contesting an election for being a member for a period of five years from the date of the order.

(2) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1) or reduce the period of any such disqualification."

9. In the backdrop of a mandate that a candidate should lodge an account of election expenses within 30 days and in the manner prescribed, a candidate could be saved from disqualification only if he has a good reason or justification for such failure under Section 14B(1)(b) of the said Act. In the instant case, the only explanation submitted by the petitioner is that she is a lady, is illiterate and is ignorant of law.

10. The Honourable Apex Court has concluded in the case of The Swadeshi Cotton Mills Co. Ltd. Vs. The Government of U.P. and others [(1975) 4 SCC 378], that ignorance of law cannot be an excuse to be canvassed by any citizen.

11. Considering the above and keeping in view the reasons cited

by the petitioner which would not amount to a good reason or justification, this petition is dismissed.

(RAVINDRA V. GHUGE, J.)

...

akl/d