

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5590 of 2019

(Sau. Kausalya W/o Pruthviraj Jaiswal -vs- The Divisional Commissioner, Amravati and ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.L. Jaiswal, Adv. for the petitioner.
Ms. Kalyani Deshpande, A.G.P. for respondent no..1.
Shri S.D. Chopde, Adv. For respondent Nos. 4 and 5.

CORAM : Z.A.HAQ, J.
DATED : 13th August, 2019

Heard.

The petitioner, an elected member of the Gram Panchayat is disqualified as per Section 40(2) of the Maharashtra Village Panchayats Act, 1958 as she failed to attend 7 consecutive meetings of the Gram Panchayat.

According to the petitioner, proper notices were not issued to the members for informing them about the time of the meetings and as per the submission made by the learned Advocate for the petitioner, sometimes even notices of meetings were not issued. It is further submitted that the petitioner had attended the meeting held on 27.02.2017, but as the time of holding of meeting was not informed to the petitioner, she had gone to attend the meeting at about 11.45 a.m. but by that time the meeting was over. To support this submission, certificate issued by the Village Development Officer on 27.02.2017 is relied upon

After examining the material placed on record, I

find that the findings of fact recorded by the Divisional Commissioner that the petitioner was absent in 7 consecutive meetings are based on proper appreciation of the material on record and they cannot be faulted with. Though the certificate dated 27.02.2017 issued by the Village Development Officer shows that the petitioner had been at the office of Gram Panchayat at 11.45 am, there is no explanation as to why the petitioner was late on that date. There is no explanation at all for not attending the meetings on 30.09.2016, 26.10.2016, 28.11.2016, 28.12.2016, 24.01.2017, 27.02.2017, 29.03.2017. The submission made on behalf of the petitioner that she was not served with the notice of the above referred meetings cannot be accepted in as much as there is nothing to show that the petitioner had made complaint about such serious matter with the superior authorities about non-service of notices of meetings.

In view of the above, I see no reason to interfere with the impugned order. The writ petition is **dismissed** with costs quantified at Rs.5,000/- to be paid by the petitioner to the respondent Nos. 4 and 5.

The affidavit showing that the amount of costs is paid to the respondent Nos. 4 and 5 shall be filed on record of this petition within two months from today.

JUDGE

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