

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

WRIT PETITION NO. 8002 OF 2018

Dushila Rajkumar Meshram

..VS..

District Collector, Bhandara and others.

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

Court's or Judge's orders

Shri Suresh L. Raut, Advocate for petitioner.

Mrs. A.R. Kulkarni, Asstt. Government Pleader for respondent Nos.
1 & 2.

Shri A.Y. Kapgate, Advocate for respondent Nos. 3 & 4

CORAM : A.S. CHANDURKAR,J.

DATED : 19TH JULY, 2019.

The challenge raised in the present writ petition is to the order passed by the Additional Collector, in the dispute raised by the petitioner challenging the motion of no confidence dated 15.05.2018 that was passed by seven members in favour of that motion, with one member opposing the same and one member not casting any vote.

2. Shri S.L.Raut learned counsel for the petitioner submits that from the minutes of the meeting, it can be seen that about four members had opposed passing of the motion of no confidence. Similarly, the notice dated 08.05.2018 convening the special meeting on 15.05.2018 was received by the petitioner on the day of the meeting. Hence, there was no proper opportunity for the petitioner to put-forth her say and oppose the motion of no confidence.

3. Perused the documents filed on record as well as the minutes of the special meeting. Though during the course of discussion there is reference to about three members opposing the motion, when the votes were taken with show on hands, seven members voted in favour of the motion while only one member opposed the same. In the dispute raised by the petitioner before the Collector, such specific ground was not raised and it was only stated that the motion had been shown to have been passed wrongly. The members who are said to have voted in favour of the petitioner have also not filed any affidavit indicating incorrect recording of the minutes of the meeting. Since the motion has been passed by more than two third majority, the dispute was rightly rejected by the Collector. Though the petitioner received the notice of the special meeting on 15.05.2018 itself, she has participated in the same.

4. Hence, I do not find any illegality committed while rejecting the dispute. The writ petition stands dismissed. No costs.

JUDGE

Prity G.