

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3894 OF 2020

SURESH JYOTIRAM TEKAM
VERSUS
THE ADDITIONAL DIVISIONAL COMMISSIONER AND OTHERS

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Advocate for Petitioner : Shri Deshmukh S.A. h/f Shri Jadhav G.R.
AGP for Respondents 1 to 3 : Shri Shinde A.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 11, 2020

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PER COURT :-

1. The petitioner / former Sarpanch of village Panchayat Pathri (Tembhi Tanda), is aggrieved by his disqualification under the orders of the District Collector, Nanded, dated 6.11.2019, holding that he has incurred the disqualification under Section 14(1(g)). He is also aggrieved by the order of the Additional Divisional Commissioner, Aurangabad dated 1.2.2020, vide which, his appeal has been rejected.

2. The learned Advocate for the petitioner submits that the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 gives a special privilege to the tribal persons residing in tribal areas. He refers to Section 4(e), by which, every Gram Sabha has a power to approve plans, projects and programmes for social and

economic development before such plans, projects and programmes are taken up for implementation by the Panchayat at the village level. He submits that the Sarpanch withdrew Rs.24,000/- from the funds earmarked for construction of toilets under the Swaccha Bharat Abhiyan, so that he could pay a firm by name, Chatrapati Traders for purchasing Cement Bags. He concedes that he is not one of the beneficiaries for construction of toilets under the Central Scheme. The cement bags were purchased to be distributed to the beneficiaries.

3. The learned AGP has supported the impugned orders.

4. The Swaccha Bharat Abhiyan is a Central Government Scheme introduced for the construction of toilets. The beneficiaries are identified and the requirement is that they should be constructing the toilets and an amount of Rs.12,000/- is reimbursed to the beneficiaries upon proving that a toilet has been constructed. It is an admitted position that the present petitioner was neither a beneficiary for reimbursement nor was he constructing his own toilet. He has withdrawn Rs.24,000/- on the ground that the said amount was to be paid for purchasing cement bags and he desired to distribute the cement bags to different people.

5. I do not find that the conduct of the petitioner can be countenanced. A laudable project of construction of toilets, is put in jeopardy by such acts of elected representatives. The impugned orders can neither be termed as being perverse nor erroneous. This petition, being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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