

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5339 OF 2017

DINKAR AADHAR PATIL AND ANOTHER ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3601 OF 2017

DR. ANIL NARAYAN KOLI AND OTHERS ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3604 OF 2017

PANKAJ PRAKASH KOLI AND OTHERS ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr M.S. Deshmukh, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3605 OF 2017

ASHA RAJENDRA KANDELKAR AND ANR. ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr M.S. Deshmukh, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3606 OF 2017

NARENDRA MANIKRAO PATIL AND ANOTHER ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr M.S. Deshmukh, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3607 OF 2017

MEERABAI NIRMALABAI DHANRAJ PATIL
AND ANOTHER ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr M.S. Deshmukh, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3608 OF 2017

GUNWANT SHAMRAO PIVATE AND ANOTHER ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr M.S. Deshmukh, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3609 OF 2017

DNYANESHWAR RAMDAS KARAD AND ANR. ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3868 OF 2017

SUNIL JAGANNATH PATIL ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3882 OF 2017

VIVEK GOVIND PATIL ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3883 OF 2017

ALIM BASHID DESHMUKH AND ANOTHER ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3884 OF 2017

DAULAT ZIPRU RAKSHE AND ANOTHER ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3901 OF 2017

SANJAY BHAGWAN TAYADE AND ANOTHER ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3902 OF 2017

GORAKHNATH KASHINATH ALAHIT ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3903 OF 2017

AJAYCHANDRA VINAYAKRAO PATIL ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3904 OF 2017

UJJWALA NIMBA BADGUJAR AND ANOTHER ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3905 OF 2017

ASHOK JIJABRAO PATIL AND OTHERS ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3906 OF 2017

GOPAL VASANT CHINCHOLE ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.3926 OF 2017

ISHWAR BANDU PATIL AND ANOTHER ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioners
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.4077 OF 2017

CHANDRAKANT VISHNU CHAUDHARI ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.4243 OF 2017

SUBHASH PANDURANG LOKHANDE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.4256 OF 2017

SUBHASH HARCHAND PATIL

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.4257 OF 2017

ANAND SUDAM KARANDIKAR

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.4780 OF 2017

VASANT DAGA CHAVAN

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State
Mr M.S. Sonawane, Advocate for Respondent No. 3

WITH
WRIT PETITION NO.5003 OF 2017

PREMCHAND VISHNU MANDURE

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr V.G. Sakolkar, Advocate for Petitioner
Mr K.N. Lokhande, AGP for Respondents-State**CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.****DATE : 16th JANUARY, 2020****PER COURT :**

1. The bunch of petitions challenged the notices issued by the Chief Executive Officer, Zilla Parishad, Jalgaon. The petitioners can be divided in three groups thus -

- (i) Members or the officers of the Committees from at the village level and known as Pani Purvatha va Swachata Samittee,
- (ii) The employees of Zilla Parishad, Jalgaon and,
- (iii) Technical service providers, whose services are hired by the Committees.

2. It may not be necessary to refer to the details. Suffice to say that with laudable object of providing potable water and make appropriate arrangements for sanitation, the scheme/schemes were floated. These Committees, namely Pani Purvatha and Swachata Samittee and it seems that these Committees were assigned with the work of implementation of

execution of the scheme and then required first work allotted/distributed to these Committees. On receipt of a complaint, the Divisional Commissioner thought it fit to set up an enquiry committee and the report was called. On receipt of the report, necessary information was provided to the Zilla Parishad and the Chief Executive Officer, Zilla Parishad, Jalgaon issued notice to these petitioners only on the backdrop of the enquiry report. Now, such exercise was undertaken by the Chief Executive Officer even earlier to issuance of the notices which are impugned in the petition and it is not in dispute that being aggrieved by these notices, the petitions were filed in this Court.

3. The basic contention before the Court of the petitioners was breach of principle of natural justice. Considering this aspect of the matter, the Division Bench of this Court by order dated 1st August, 2013 directed the Chief Executive Officer, Zilla Parishad, Jalgaon to issue a detailed notice specifying allegations/charges each of the petitioners and calling upon individual petitioners to explain the allegation/charge recorded in the notice. It was then specifically directed by the Division Bench of this Court that the Chief Executive Officer shall after extending an opportunity of hearing to each of the petitioners proceed to take appropriate steps in the matter and pass an appropriate order. When the petitioners were permitted to raise all contentions before the Chief Executive Officer, the Chief Executive Officer on the other hand, was directed to complete the exercise of hearing the

petitioners expeditiously and to pass suitable orders/directions. The copy of the order of the Division Bench dated 01.08.2013 in Writ Petition No. 3565/2013 and other connected writ petitions is placed on record in Writ Petition No. 3607 of 2017 at Exh.'A'. On a specific query to the learned Counsel Mr Sonawane, appearing for the respondent No. 3, the Chief Executive Officer as to whether the directions which were already issued by the Division Bench of this Court in year 2013 were followed. The learned Counsel Mr Sonawane submitted before this Court that due to certain communication gap, these directions were not followed and again the notices were issued. Though such an act of the Chief Executive Officer, Zilla Parishad, Jalgaon, who was party to the earlier petitions and was being represented through the Counsel, could not have been accepted but in the submission of learned Counsel Mr. Sonawane that it was a bona fide mistake of the Chief Executive Officer and the Chief Executive Officer is willing to rectify the error committed by him by withdrawing the notices issued to these petitioners. Accepting this statement of Mr. Sonawane, it is submitted before this Court through the instructions provided to the learned Counsel by Smt. S.B. Narwade, the Executive Engineer, Rural Water Supply Department, Zilla Parishad, Jalgaon for and on behalf of the Chief Executive Officer, Zilla Parishad, Jalgaon and to give an opportunity to the Chief Executive Officer to correct and rectify the error. The petitions are disposed of in view of the statement

made before this Court. Needless to state that in future in case the Chief Executive Officer is to initiate any action, the Chief Executive Officer must keep in mind the order passed by this Court dated 1st August, 2013 and then to proceed.

4. It was submitted by learned Counsel appearing for the petitioners that the petitioners have deposited certain amounts in this Court. In view of the interim orders passed by this Court, considering this aspect of the matter, we deem it appropriate to direct the Registry of this Court to transfer the amount deposited in this Court by the petitioners in the accounts of the Chief Executive Officer, Zilla Parishad, Jalgaon within one week from today.

5. In case no action is initiated by the Chief Executive Officer, Zilla Parishad, Jalgaon within four weeks after receipt of the amount, the Chief Executive Officer to disburse the amount to these petitioners within one week.

[ANIL S. KILOR]
JUDGE

[PRASANNA B. VARALE]
JUDGE

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