

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.14471 OF 2019

Chaus Shalbin Amer

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr S.S. Gangakhedkar, Advocate for petitioner

Mrs M.A. Deshpande, A.G.P. for respondents no.1 and 2

Mr A.S. Gandhi, Advocate for respondent no.3

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 11th February 2020

ORAL ORDER :

1. We have heard learned Advocate for the petitioner, learned A.G.P. and the learned Advocate for respondent no.3.
2. It is admitted fact on record that the resolution has not been moved by the Councilors.
3. The petitioner is directly elected President. The issue is no longer *res intergra* in view of the order dated 3.10.2018 passed in Writ Petition No.10999 of 2018.
4. For the reasons recorded in the order dated 3.10.2018 in Writ Petition No.10999 of 2018, the impugned proposal/communication forwarded by respondent no.2 to respondent no.1 bearing Outward No.2018 /GB/Desk-1/MUN/KAVI/CR-18 dated 5.10.2018, for declaring the petitioner as disqualified to continue as a President of the Municipal Council is quashed and set aside.

5. Writ Petition accordingly allowed. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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