

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

927 WRIT PETITION NO.27 OF 2021

**GANGUBAI SAKHARAM KHANDAGALE
VERSUS
STATE ELECTION COMMISSION THR ITS SECRETARY AND OTHERS**

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Advocate for Petitioners : Mr. S. S. Tope
GP for Respondent Nos. 2 to 5: Mr. D. R. Kale
Standing counsel for Respondent Nos. 1 & 6 : Mr. A. B. Kadethankar

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**CORAM : RAVINDRA V. GHUGE, J.
(VACATION COURT)**

DATE : 02.01.2021

PER COURT :

1. The petitioner is aggrieved by the rejection of her nomination form on the sole ground that she has been disqualified under Section 14-B of the Maharashtra Village Panchayat Act, 1958 by the order of the District Collector dated 31.03.2018 (failure in submitting statement of election expenses). The petitioner was earlier the Sarpanch of the village.

2. Having considered the submissions of the learned counsel on behalf of the parties and having perused the Grampanchayat Appeal No.51 of 2018 pending before the Additional Divisional Commissioner, Aurangabad, vide which the petitioner had challenged her disqualification under the order of the District Collector dated

31.12.2018, it is apparent that the petitioner was initially granted protection in the appeal and her disqualification was stayed. Subsequently, the interim stay was continued and finally, the appellate authority recorded on 20.02.2019 that the interim relief would continue until the appeal is decided. There is no dispute that the said appellate authority did not decide the proceedings for almost 22 months and the newly appointed appellate authority passed an order on 11.12.2020 that a re-hearing of the matter is necessary. It is thus clear that the petitioner's disqualification has been stayed and her protection continues even today. In this backdrop, the impugned order of rejection of her nomination based on the order of the District Collector, which has already been stayed, cannot be sustained and the same is quashed and set aside.

3. As such, this petition is allowed on the following conditions:

(a) The nomination form of the petitioner shall be accepted and the result of the Election shall be subject to the decision in Grampanchayat Appeal No.51 of 2018 which the appellate authority i.e. Additional Divisional Commissioner, Aurangabad shall decide on/before the 15th day of April, 2021.

(b) No equities would be created in favour of the petitioner on account of this conditional order.

(RAVINDRA V. GHUGE, J.)