

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14 OF 2021

VIJAY NAMDEO GORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.D.P.Palodkar, Advocate for the petitioner.

Mr.D.R.Kale, GP for respondent Nos. 1, 3 to 5.

Mr.A.B.Kadethankar, Standing Counsel for State Election Commission/
respondent No.2.

Mr.R.V.Gore, Advocate for respondent No.6.

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

DATE : 02/01/2021

PER COURT :

1. I have considered the strenuous submissions of the learned Advocate appearing on behalf of all the parties.

2. Issue is as regards the rejection of the nomination form of the petitioner on the ground that, when he was the Sarpanch of the same village in his earlier tenure as a Member of the Village Panchayat, he had indulged in misappropriation and was disqualified as a Sarpanch u/s 39(1) of the Maharashtra Village Panchayats Act. The Returning

Officer has apparently presumed that the petitioner was disqualified even as a Member for 6 years. None of the respondents can dispute the fact that the petitioner continued as a Member of the Village Panchayat till the completion of the entire tenure and was disqualified only from becoming a Sarpanch. In my view, the Law laid down by this Court in **Sunil Balaram Roy Vs. The Divisional Commissioner and others**, [2006(5) Mh.L.J. 612] is applicable to this case. The finalization of the contesting candidates' list is to complete at 3.00 p.m. on 04/01/2021.

3. In view of the above, this petition is allowed. The impugned order is quashed and set aside and the nomination form of the petitioner shall stand accepted.

(RAVINDRA V. GHUGE, J.)