

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

951 WRIT PETITION NO.7221 OF 2022

GANGADHAR NILU CHAVAN  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioner : Mrs. M.G. Kasture h/f. Mr. Kulkarni A.M.  
AGP for the respondent – State : Mr. S.N. Morampalle  
Advocate for the respondent no. 5 : Ms. Vaishali R. Kalyankar  
...

**CORAM : MANGESH S. PATIL, J.**

**DATE : 13 JULY 2022**

**PC :**

The petitioner who was the elected *Sarpanch* has been disqualified by the Collector in a proceeding under section 16 of the Maharashtra Village Panchayats Act, 1959 for having incurred disqualification under section 14(1)(g). He is also aggrieved by the dismissal of his appeal by the Divisional Commissioner.

2. I have heard learned advocate for the petitioner as also the learned AGP.

3. The petitioner was alleged to have withdrawn certain amounts from the account of the *Gram Panchayat* on three occasions. He tried to explain it by putting forth the stand that two of the amounts

were towards his remuneration whereas the third one was spent for construction of toilets.

4. In view of such peculiar stand being taken by the petitioner throughout, one cannot comprehend as to how he could have withdrawn such amounts from the account of the bank which can happen only with a joint signature of the *Sarpanch* and the *Gram Sevak*. Even the manner in which the amount was allegedly spent is not believable and acceptable. One cannot comprehend as to how the *Sarpanch* could have withdrawn the amount and spent for construction of toilets which appropriation should have happened with the set norms and not by the *Sarpanch* individually withdrawing the amount and paying the contractors.

5. Even the honorarium which he is entitled could not have been paid the manner in which it has been done.

6. Apart from the above state-of-affairs, the Collector as well as the Commissioner have specifically recorded an observation that the petitioner himself had even forged the signature of the *Gram Sevak* on the cheques for encashing the amounts.

7. Considering all the afore-mentioned facts and circumstances, when the material before the authority was sufficient enough to indicate that the petitioner has directly or indirectly taken a share or interest in the work to be done by the *panchayat* or in a

contract for and on behalf of the *panchayat*, he indeed incurred disqualification under section 14(1)(g).

8. There is no merit in the petition. Dismissed.

**[ MANGESH S. PATIL ]**  
**JUDGE**

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