

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.2445 OF 2023

SANJAY BHIDAS PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

Advocate for Petitioner : Mr. Bolkar Yogesh B.
AGP for Respondent No.1: Mr. S.G. Sangle
Advocate for Respondent Nos. 2 to 4 : Mr. S.R. Dheple

.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 3rd MARCH, 2023.**

PER COURT :-

1. On 28.02.2023, we had passed the following order:-

"1. The petitioner has put forth prayer clause B, C and D as under :-

"B. By way of appropriate writ order or direction in the like nature, this Hon'ble High Court may kindly direct the respondent No.2 to take decision on the complaint dated 22.08.2022 made by the petitioner in the capacity of President of Maharashtra Rajya Gramsevak Union, as the hearing is already concluded on 27.09.2022.

C. By way of appropriate writ order or direction in the like nature, this Hon'ble High Court may kindly direct the respondent Nos. 2 and 3 not to bestow the Adarsha Gramsevak Awards to the extent of Amalner Taluka which scheduled on 04.03.2023, as there are irregularities while recommending names from Amalner

Taluka for Adarsha Gramsevak Award for the years 2014-2015, 2015-2016 and 2016-2017.

D. Pending hearing and final disposal of the writ petition, this Hon'ble High Court may kindly direct the respondent No.2 to take decision on the complaint dated 22.08.2022 made by the petitioner in the capacity of President of Maharashtra Rajya Gramsevak Union, as the hearing is already concluded on 27.09.2022."

2. The grievance of the petitioner is that since there were clear indications of nepotism in selecting candidates for "Aadarsha Gramsevak Pooraskar", the Maharashtra Rajya Gramsevak Union lodged a complaint with the Jalgaon Zilla Parishad on 21.08.2019. The said complaint was received by the Zilla Parishad on 23.08.2019. A hearing took place on 27.09.2022 and the matter was closed for orders by the CEO of the Zilla Parishad. The hearing was conducted after much persuasion of the petitioner/Union. However, after the file was closed for orders on 27.09.2022, the CEO has not passed any orders. Now a function has been arranged on 04.03.2023 at 11.00 a.m. to distribute awards to the Aadarsh Gramsevaks which comprises of one advance increment.

3. The petitioner points out a news published in "Divya Marathi", Bhusawal Edition dated 27.02.2023 which mentions that a criminal offence has been registered against a Gram Sevak namely Ravindrakumar Kashinath Chaudhari with the Raver Police Station, after the Court of competent jurisdiction passed such an order. He is also in the list of candidates to be awarded the Aadarsh Gram Sevak

Pooraskar, on 04.03.2023.

4. In view of the above, we direct respondent No.2 CEO, Zilla Parishad, Jalgaon to deliver an order in the proceedings initiated by the Maharashtra Rajya Gramsevak Union in which the hearing was concluded on 27.09.2022, by 2.00 p.m. on 02.03.2023. We expect the learned Advocate representing respondent Nos. 2 to 4 to produce a copy of the said order for our perusal on 03.03.2023.

5. List this petition on 03.03.2023 in the "passing orders category".

2. The learned advocate representing the Zilla Parishad has placed before us a compilation of documents with pagination, from 44 to 50. The same is taken on record. Page 46 indicates that the Chief Executive Officer has passed a specific order considering the grievance of the Petitioner with regard to the Amalner Town. He has concluded that the record does not indicate anything fishy and there is no illegality or discrepancy in the decision of the Committee, constituted as per the Government Resolution dated 10.11.1998. He submits that the Petitioner does not have locus standi to file this petition as he is not the President of the Union.

3. In so far as the doubtful case of Shri Ravindrakumar Kashinath Choudhary, the Deputy Chief Executive Officer has passed an order on 02.03.2023, staying the selection of the said

candidate. As such, we direct that until the Chief Executive Officer is convinced beyond any doubt that the candidature of Shri Ravindrakumar Kashinath Choudhary, is genuinely selected, he would not be awarded the benefit of "*Aadarsh Gram Sevak Pooraskar*".

4. Taking into account the conclusion drawn by the Chief Executive Officer, in the meeting dated 27.09.2022, which is conveyed to the Petitioner by communication dated 02.03.2023, this petition is disposed off with liberty to the Petitioner to challenge the communication dated 02.03.2023, as well as the resolution passed in the meeting dated 27.09.2022, by resorting to a remedy as is permissible in law. The issue as to whether the resolution is back dated is also kept open. We are also keeping the issue of locus of the Petitioner open to be considered in an appropriate proceeding.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/