

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 335 OF 2023

Jayashree Charandas Rasekar __ Vs. __ Mohd. Kalam Pir Mohd. Sheikh and anr

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.Y.Deopujari, Advocate for Petitioner
Mr. G.N.Khanzode, Advocate for respondent No.1
Mr. N.R.Patil, AGP for respondent no.2

CORAM : AVINASH G. GHAROTE, J.
DATE : 02/03/2023

1] Heard Mr. Deopujari, learned counsel for the petitioner, Mr. Khanzode, learned counsel for respondent No.1 and Mr. Patil, learned AGP for respondent no.2.

2] The order dated 29.12.2022 (pg.34) is being assailed on the ground that the procedure as prescribed in the Maharashtra Local Authority Members Disqualification Rules, 1987, namely Rule 7 (Rules 6 to 9) has not been followed.

3] The learned counsels for the respondents from the impugned order are unable to point out that any articles of charges as required under Rule 6 of the aforesaid Rules have been framed and the procedure as indicated in Rules 7, 8 & 9 has been followed.

3] There is no other material placed on record to indicate that the procedure laid down in Rules 6 to 9 of the aforesaid Rules has been followed, in view of which the impugned order is hereby quashed and set aside, as the following of the Rules is mandatory [**Mirza Kadir Baig Rasul Baig vrs. District Collector and ors, 2003 (4) Bom.C.R. 672**] and the matter is remanded back to the respondent no.2, to decide it afresh in strict compliance with the provisions of Maharashtra Local Authority Members Disqualification Rules, 1987.

4] Petition is allowed in above terms. No costs.

JUDGE

Rvjalit