

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**WRIT PETITION NO. 165 OF 2021**

(Shri Sunil s/o Tikaram Tagde Vs. State of Maharashtra & Ors.)

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

*Court's or Judge's order*

Shri P.H. Khobragade, Advocate for the petitioner.  
 Shri A.A. Madiwale, Assistant Government Pleader for respondent Nos. 1 and 2.  
 Shri S.D. Zoting, Advocate for respondent Nos. 3 to 5.  
 Shri N.R. Bhishikar, Advocate for respondent No.6.  
 Shri P.A. Jibhkate, Advocate for respondent No.7.  
 Shri V.N. Morande, Advocate for respondent No.8.

**CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.**

**DATE : JULY 12, 2023**

The grievance of the petitioner is that the appointment of respondent No.7 on the post of Water Supply and Streetlight Employee with Gram Panchayat – Delanwadi – respondent No.6 is illegal. The petitioner seeks his appointment on the said post held by respondent No.7.

2] It is seen that in this regard, the petitioner has addressed a complaint to the Collector on 18/1/2020 giving the reasons for cancelling the appointment of respondent No.7. The record indicates that initially, the Block Development Officer had directed the Sarpanch/ Secretary of the Gram Panchayat to examine the matter and consider whether the appointment of respondent No.7 was legal and valid. Thereafter, in a general meeting of the Gram Panchayat held on 29/4/2020, a Resolution was passed by majority that the appointment of respondent No.7 was legal.

3] We find that adjudication of the complaint made by the petitioner would require some factual adjudication. The petitioner is therefore permitted to make a representation in this regard to the Chief Executive Officer, Zilla Parishad, Gadchiroli by stating all relevant aspects for cancelling the appointment of respondent No.7. The Chief Executive Officer shall consider such representation and after giving an opportunity of hearing to the petitioner as well as respondent No.7 shall take a decision on that representation. The entire exercise be completed within a period of six weeks of receiving the petitioner's

representation. The petitioner shall submit his representation within a period of 10 days from today. Needless to state that if the petitioner is not satisfied with the adjudication of such representation, he is free to take legal recourse in accordance with law. The same would be applicable even to respondent No.7 in case the prayers made in the representation are granted.

4] All points raised in the Writ Petition are kept open. The Writ Petition is disposed of.

**(MRS. VRUSHALI V. JOSHI, J.)**

**(A. S. CHANDURKAR, J.)**

SUMIT