

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

WRIT PETITION NO. 8276 OF 2022

Smt. Lata W/o Milind Khandare,
Aged about 42 years, Occu.
Agriculturist, R/o Umra Deshmukh,
Tah. Mehkar, Dist. Buldhana.

..... **Petitioner**

...Versus...

(1) State of Maharashtra,
through it's Secretary,
Public Health Department,
Mantralaya, Mumbai-32.

(2) District Health Officer,
Zilla Parishad, Buldhana,
Dist. Buldhana.

(3) Taluka Health Officer,
Shivaji Nagar, Mehkar,
Dist. Buldhana.

(4) Gram Panchayat, Umra
Deshmukh, through its Secretary,
Tah. Mehkar, Dist. Buldhana.

..... **Respondents**

Mr. Vinay Rathi with Mr. P. B. Patil, Advocates for the petitioner
Mr. M. K. Pathan, A.G.P. for the State/respondent 1
Mr. T. M. Zaheer, Advocate for respondent 2
None for respondents 3 and 4

CORAM : ROHIT B. DEO AND M. W. CHANDWANI, JJ.
DATE : 18-07-2023

ORAL JUDGMENT : (PER ROHIT B. DEO, J.)

Rule. Rule made returnable forthwith. With consent,
petition is heard finally.

2. The petitioner is elected as Member, Gram Panchayat, Umra Deshmukh and on 11-2-2021, she is elected as the Sarpanch.

3. The petitioner was working as Asha Worker since 2009.

4. The petitioner is served with communication dated 17-5-2022 issued by the Taluka Health Officer, Mehkar which states that the post of Asha Worker and Sarpanch cannot be simultaneously held, and that the petitioner should exercise the option to either continue as Asha Worker or Sarpanch.

5. By way of the interim order dated 22-12-2022, this Court directed that the communication dated 17-5-2022 shall not be given effect.

6. Learned Assistant Government Pleader Mr. Pathan has invited our attention to the decision dated October 6, 2015 rendered by the coordinate Bench in *Writ Petition 5559/2015 (Smt. Yashodhar w/o Namdeo Sahare Vs. The State of Maharashtra and ors.)* in which in similar situation the coordinate

Bench upheld the communication asking the petitioner to make a choice between the elected office and Asha Worker. We respectfully agree with the observations of the coordinate Bench.

7. In this view of the matter, the learned counsel for the petitioner states that the petitioner shall submit resignation as Member of the Gram Panchayat. We accept the statement as an undertaking to the Court.

8. Subject to the petitioner resigning from the elected office, she shall be continued as Asha Worker.

9. The petition is disposed of in aforesaid terms.

(M. W. Chandwani, J.)

(Rohit B. Deo, J.)

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