



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7061 OF 2024

KALYANRAO VYANKATRAO DESHMUKH

VERSUS

STATE OF ELECTION COMMISSIONER AND OTHERS

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Mr. Vijay B. Jogdand Patil, Advocate for the Petitioner.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 07th AUGUST, 2024.

P.C.:-

1. The petitioner impugns order dated 27.05.2024 passed by the State Election Commissioner, Mumbai as well as order dated 04.12.2023 passed by the Collector, Dharashiv disqualifying the petitioner as a Member of Grampanchayat in terms of Section 14-B (2) of the Maharashtra Village Panchayat Act, 1958.

2. The learned Advocate appearing for the petitioner submits that the petitioner had met with an accident immediately after election and he was under medical supervision, therefore, he could not submit election expenses within time frame prescribed under law. In support of his contentions he invites attention of this Court to the medical certificate of Morya Multispeciality Hospital, Osmanabad and certificate issued by Chirayu Hospital certifying that he is suffering from cervical spondylitis and advised rest.

3. It appears that, the Collector, Dharashiv has appreciated aforesaid evidence and found that the petitioner had no justification for not submitting election expenses within time frame as per law. He observed that the petitioner submitted election expenses on 08.08.2023 i.e. after six months of election. As such, learned Collector was pleased to hold that the petitioner has

incurred disqualification and accordingly, passed order disqualifying petitioner for the period of five years from the date of order. The petitioner approached State Election Commissioner, Mumbai in Special Application challenging order of Collector. The State Election Commissioner observed that the petitioner was treated an outdoor patient after the accident and treated only for the period of seven days and there is no justification for non-submission of election expenses in time. However, Election Commissioner took pragmatic view of the matter and considering difficulty pressed into service, reduced period of disqualification to the present term of the petitioner.

4. From reading of the impugned order, it is evident that petitioner failed to furnish election expenses within specified time, as such incurred disqualification under Section 14-B (2) of the Maharashtra Village Panchayat Act. Although petitioner has attempted to give excuses for his default on appreciation of material on record, the State Election Commissioner observed that the petitioner was treated as outdoor patient and there is nothing to substantiate that he was hospitalized. This Court finds that reasoning adopted by the State Election Commissioner is in consonance with the record. The State Election Commissioner has rightly considered the reasons given by the petitioner and reduced the period of disqualification. Apparently, no fault can be found in the order passed by the State Election Commissioner. In that view of the matter, there is no merit in Writ Petition. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE