



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14147 OF 2023

Rangubai Khandu Jadhav

VERSUS

The State Election Commission Through Its State
Election Commissioner And Others

- Mr. R. B. Temak, Advocate for the Petitioner
- Mr. A. B. Kadethankar, Advocate for Respondent No. 1
- Mr. P. D. Patil, AGP for the Respondent Nos. 2 to 4/State

CORAM : KISHORE C. SANT, J
DATE : SEPTEMBER 09, 2024

ORAL JUDGMENT :

1. Heard parties.
2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.
3. In the present Petition the order passed by the State Election Commission dated 11.10.2023 whereby the reduced the sentence by exercising special powers of the Petitioner under Section 14-B(ii) of the Maharashtra Village Panchayat Act (for short '**the Act**') confirming the order passed by the Collector 21.08.2023 to the extent of holding the Petitioner disqualified

for not giving expenses as required under the Act and reducing the period of disqualification. The Petitioner is aggrieved to the extent of holding the Petitioner disqualified to contest the election to the post of Member Grampahcyat. The facts are not disputed that the Petitioner could not submit the details of expenses within 30 days under the Rules as per the order dated 15.10.2016 issued by the State Election Commissioner prescribing the limitation for submitting the detailed expenses as well as total expenses for the Election.

4. The case of the Petitioner is that she was not well and she was admitted in the hospital. She, therefore, handed over all the papers regarding the expenses to present Respondent No. 5. However, Respondent No. 5 did not submit the accounts to the Collector and later on he himself filed a dispute before the Collector. The Collector, Nanded by considering the application/dispute held that since the Petitioner could not submit documents within 30 days, he allowed the application/dispute. The said order was carried before the State Election Commission. The

Petitioner is thus now before this Court.

5. Mr. Temak, the learned Advocate for the Petitioner, vehemently argued that there is ample discretionary power vested with this court to condone the delay. He relies upon the judgment in case of *Shaikh Nisar Ibrahim vs. State of Maharashtra, 2019 (3) ABR 735*, wherein this Court held that even if there was a delay the said could have been condoned. Refusing to condone minor delay results into ousting the Petitioner from elected position. Said results into disqualifying the Petitioner for the period of further five years and he has deprived of contesting next elections. Therefore, justice oriented approach should be adopted. The Petitions could not be dismissed on technical grounds. He further relied upon the judgment in the case of *Gulabrao Ananda Patil vs. State of Maharashtra, 2021 (6) ABR 81* wherein this Court relying upon the judgment in case of A. K. Pandey held that the provision under Section 14-B of the Act is not mandatory that period of disqualification is for five years in view of the language of the statute. This

Court thus reduced the period of disqualification. Learned Advocate thus prays for allowing the Petition.

6. Mr. Kadethankar, learned Advocate appearing for Respondent No. 1, vehemently opposed the Petition. He submits that there is specific time limit provided for submitting the election expenses. He relied upon the order dated 15.10.2016 wherein time limit is prescribed for submitting expenses is as (i) to submit delay expenses before 2 pm on the next date, (ii) total expenses be submitted within 30 days from the date of election. He thus submits that specific time is prescribed. The law in respect of election needs to be interpreted strictly. There is no discretion vested with the authority to condone the delay. He points out that when the judgment in case of Shaikh Nisar (supra) in paragraph 12 this Court has specifically recorded that the Advocates could not show as to where the limitation of 30 days is prescribed and no such circular was pointed out. He submits that it is in that view the Court passed the order. He thus prays for rejection of the Petition.

7. This Court has gone through the order dated 15.10.2016 prescribing limitation. As already discussed, there is no dispute that the Petitioner could not submit the expenses within 30 days of the election. The only justification offered is that she had given the papers to Respondent No. 5. It is the Respondent No. 5 who deliberately did not submit her expenses with the Collector and later on he himself filed a dispute. This Court finds that this cannot be accepted when there is no discretionary powers with the authority. The reliance on the judgment in case of Shaikh Nisar (supra) to the present case is not helpful to the Petitioner as the said judgment was delivered when the rules were not before the Court showing that the limitation of 30 days is prescribed by the State Election Commission. The judgment in case of Gulabrao Ananda Patil (supra) is also of no help as the question considered there was in respect of discretion vested in the election commission to reduce the period of disqualification and was not as to whether the delay in furnishing election expense can be condoned.

8. For all these reasons, this Court is not convinced with the arguments advanced by the learned Advocate for the Petitioner. It is settled law that the election law needs to be strictly interpreted and no other interpretation is required. In view of this, this Court finds that there is no merit in the Petition and same deserves to be dismissed. In the result, Petition stands dismissed. No order as to costs. Rule stands discharged.

(KISHORE C. SANT, J.)