



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

WRIT PETITION NO.5217 OF 2023

(Sanjay Purushottam Gurjar Vs. Additional Commissioner, Amravati and others)

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

Court's or Judge's orders.

Mr. N. A. Gawande, Advocate for Petitioner.
Mr. A. J. Gohokar, AGP for Respondent Nos.1 and 2/State.
Mr. V. A. Dahat, Advocate i/b Mr. J. B. Kasat, Advocate for Respondent No.3.
Mr. Syed Ateeb, Advocate for Respondent Nos.4 to 7.

CORAM: ANIL L. PANSARE, J.

DATE: 16th JULY, 2024.

Heard.

2. The challenge is to order dated 01.08.2023 passed by respondent No.1 Additional Commissioner, Amravati Division, Amravati in Appeal No.29/BVP 16(2)/Shirajgaon Kasba, Amravati/2023 in an appeal preferred by the petitioner. The appeal has been dismissed and thus the order dated 17.02.2023 passed by respondent No.2 Additional Collector, Amravati has been upheld.

3. The petitioner who was Member of village Shirajgaon Kasba, Amravati has been disqualified on the count that he held two posts, one as Gram Rojgar Sevak and the other as Gram Panchayat Member. One of the contentions is that the petitioner had put up resignation on 02.03.2020. The resignation letter was acknowledged by the

then Village Panchayat Officer and the then Sarpanch of village Shirajgaon Kasba.

4. This argument has been opposed by respondent Nos.4 to 7 as also by the learned AGP on the count that this resignation was never tendered. According to the respondent, the resignation letter is a forged document inasmuch as the alleged signatures of the then Village Development Officer have been forged. The respondent contends that the theory of forgery is further substantiated because the resignation has been not submitted to the inward outward Clerk and further the copy of the resignation letter was not available with the Village Development Officer.

5. In the context of above on 02.07.2024 following order was passed:

“Heard.

2. During the course of argument, it transpired that Respondent Nos.4 to 7 have made a complaint to the Police Inspector, Police Station, Shirajgaon Kasba, alleging therein that the Petitioner has forged the document dated 2/3/2020.

3. The learned Counsel for Respondent Nos.4 to 7 submits that the Police Inspector did not take cognizance of the said complaint. The Counsel further submits that the complaint was made to the District Collector as well.

4. As against, the learned Counsel for Petitioner submits that the Petitioner has

tendered resignation on 2/3/2020. The Village Development Officer and Sarpanch of Grampanchayat, Shirajgaon Kasba have acknowledged the same.

5. I am informed that inquiry has been conducted by the Respondent No.3 - Village Development Officer and another, however, the statements of the then Village Development Officer and Sarpanch has been not recorded. In that sense, the persons who have acknowledged the alleged resignation letter have been not examined.

6. The learned AGP shall take instructions on the points noted above.

7. The then Village Development Officer and Sarpanch shall remain present before the Court on next date.

8. Stand over to 16th July, 2024.”

6. In response thereto the then Village Development Officer, Nandlal Ramvilas Patalia is present in the Court. The original resignation letter which was in the possession of learned counsel for the petitioner and which allegedly bears the acknowledgment of the then Village Development Officer has been shown to Nandlal Patalia in the Court to ascertain whether it bears his signature. He answered in the negative. He was asked to put up specimen signature and date. He tendered the same across the bar, which is taken on record and marked as 'X' for identification.

7. The original resignation letter is given back to the counsel for petitioner.

8. Thus the then Village Development Officer, has stated before the Court that the signature appearing on resignation letter indicates acknowledgment is not his signature. There is thus every reason to believe that the letter dated 02.03.2020 was not submitted to the appropriate authority. In that view of the matter, I do not find any reason to interfere with the order impugned. The petition is accordingly dismissed.

(ANIL L. PANSARE, J.)

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