



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3704 OF 2022

Potanna s/o. Piraji Chinchold

PETITIONER

VERSUS

1. The State of Maharashtra
2. Sainath s/o. Potanna Mulkod
3. The Block Development Officer
4. Gramsevak

RESPONDENTS

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Mr. Pravin B. Rakhunde – Advocate for Petitioner
Mr. R.B. Dhaware – AGP for Respondent No.1, State
Mr. Y.B. Deshmukh – Advocate for Respondent No.2
Mr. S.B. Pulkundwar – Advocate for Respondent No.3

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 03.12.2025

J U D G M E N T :

1. Rule. Rule made returnable forthwith. By consent of the parties, the petition is heard finally at the stage of admission.
2. Heard learned Counsel – Mr. Pravin B. Rakhunde for the petitioner, learned A.G.P. for respondent No.1, State, learned Counsel – Mr. Y.B. Deshmukh for respondent No.2 and learned Counsel – Mr. S.B. Pulkundwar for respondent No.3.
3. By way of this petition, the petitioner challenges the order dated 14.09.2021 passed by the District Collector, Nanded, and the order dated

05.10.2021 passed by the Divisional Commissioner, Aurangabad.

4. Learned Counsel for the petitioner submits that for the earlier term of 2015–2020, respondent No.2 was disqualified on the ground under Section 14(1)(g) of the Maharashtra Village Panchayat Act (for short '*the Act*') and, therefore, when he contested the subsequent election, he had already incurred disqualification. Accordingly, the petitioner filed an application before the District Collector seeking disqualification of respondent No.2. He further submits that respondent No.2 continued to remain disqualified and therefore the District Collector and the Divisional Commissioner ought not to have dismissed the application of the petitioner.

5. I have gone through the orders passed by the District Collector and the Divisional Commissioner. It is useful to refer Section 14(g) of the Act, which read as under :

“14. Disqualifications

[(1)] No person shall be a member of a *panchayat* continue as such, who –

(g) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the *panchat* or in any contract with, by or on behalf of, or employment with or under, the *panchayat*; or”

6. If Section 14(g) of the Act is considered, it transpires that disqualification of an elected representative can operate only for the

remaining term. After fresh elections, even if a candidate was disqualified during the earlier term, such candidate cannot be automatically disqualified on the ground of earlier disqualification. Admittedly, in the earlier disqualification, no order was passed by any authority disqualifying the respondent No.2 for any further period.

7. The record reveals that respondent No.2 was elected for the term 2015–2020 and during that period, he was disqualified. The disqualification order was for remainder term and once that period had expired and subsequent elections were held and he got elected, in absence of further order of disqualification passed by competent authority, respondent No.2 cannot be held to have incurred any continuing disqualification.

8. Therefore, I do not find any reason to interfere with the order dated 14.09.2021 passed by the District Collector, Nanded, and the order dated 05.10.2021 passed by the Divisional Commissioner, Aurangabad under Article 227 of the Constitution of India. Hence, following order :

ORDER

- (i) The Writ Petition stands dismissed.
- (ii) No order as to costs.

[SIDDHESHWAR S. THOMBRE]
JUDGE