



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

28 WRIT PETITION NO. 7109 OF 2025

DEEPAKSING MATHURASING RAJPUT

VERSUS

BIBI KALIM SAYYAD AND OTHERS

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Mr. Doifode Bharat Sahebrao, Advocate for the Petitioner

Mr. K. S. Patil, AGP for Respondents-State

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 16.06.2025

PER COURT :-

1. By way of present writ petition exception is taken to the order dated 25.02.2025 passed by the learned Divisional Commissioner, Chhatrapati Sambhajinagar in file No. क.२०२३/सा. प्र/ग्रापं/Varhedi Khurd/CR-257 thereby granting stay to the order of disqualification passed against respondent under provisions of Maharashtra Village Panchayat Act.

2. Respondent No.1 has been elected as member of village panchayat Varkhedi (Khurd) Tq. Soyagaon Dist. Ch. Sambhajinagar in the year 2022. Petitioner raised dispute as to disqualification invoking section 14(1)(J-3) of Maharashtra Village Panchayat Act before the District Collector Ch. Sambhajinagar. The learned Collector vide order dated 25.02.2025 declared that respondent No.1 has incurred disqualification in terms of Section 14(1)(J-3) of Maharashtra Village Panchayat Act. The aggrieved respondent No.1

filed appeal assailing order of disqualification and also filed an application for interim stay. The learned Commissioner on prima facie evaluation of material on record granted ad-interim stay to the order of disqualification and placed the appeal for hearing on 07.07.2025.

3. Learned Advocate appearing for petitioner relying upon circular dated 10.03.2025 issued by State Election Commission submits that the Divisional Commissioner has committed breach of instructions issued by State Election Commission and erroneously granted stay to the impugned order of disqualification.

4. A perusal of circular dated 10.03.2025 issued by State Election Commission suggests that in case election program is already initiated, the Divisional Commissioner shall not grant stay orders in the matter arising out of disqualification proceedings. It is not pointed out to this Court that the election program for filling up vacancy is initiated in respect of the post held by respondent. Therefore, such circular would not take away jurisdiction of Divisional Commissioner to grant stay to the order of disqualification. Perusal of impugned order depicts that the learned Divisional Commissioner has considered a prima facie case and found that detailed hearing would be required in the appeal, hence pending decision granted interim stay to the impugned order of disqualification.

5. No fault can be found in such order, particularly when appeal itself is placed for hearing on 07.07.2025.

6. In that view of the matter, writ petition dismissed. However, learned Divisional Commissioner shall endeavour to decide appeal expeditiously and in any case within Eight (08) weeks from today.

[S. G. CHAPALGAONKAR, J.]

HRJadhav