



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 WRIT PETITION NO.12848 OF 2025

YUVRAJ NARAYAN DHAKARE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. V.B. Patil, Advocate for petitioner

Mr. S.K. Tambe, AGP for respondent Nos.1 and 2

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 10th NOVEMBER, 2025

ORDER :

. Present petition has been filed for following reliefs :

“B) By issuing writ of mandamus or any other writ of like nature order/directions to respondent Nos.1 to 4 may kindly be directed to stay the process of removal of the petitioner as Gram Rozgar Sevak as per order dated 28.08.2025 issued by respondent No.3.”

2 Heard learned Advocate for petitioner and learned AGP for respondent Nos.1 and 2. No necessity to issue notice to respondent Nos.3 and 4.

3 It is submitted that petitioner has been appointed as Gram Rozgar Sevak for Grampanchayat, Shelwad, Tq. Bodwad, Dist. Jalgaon from 21.09.2024 by following due process in Government Resolution dated 02.05.2011. The petitioner fulfils the requisite eligibility criteria for being appointed as Gram Rozgar Sevak. He was getting the honourarium up till now. He was doing all the work that was assigned and was expected. Surprisingly he noticed that his Rozgar Sahayak ID was being misused without his knowledge and his Login ID / password is shared with labourers and a muster roll for tree plantation is created without the authorization of the petitioner. He had given letter informing all those facts to Chief Executive Officer, Zilla Parishad, Jalgaon. He thereafter came to know that Block Development Officer i.e. respondent No.3 has sent a report on 15.05.2025 to Chief Executive Officer, Zilla Parishad, Jalgaon stating that appointment of petitioner as Gram Rozgar Sevak is illegal and without following due process, which was on the basis of complaint made by a citizen in 'Nagrikancha Sanwad' programme conducted by Zilla Parishad, Jalgaon. There was no opportunity given to petitioner. No notice was issued to him. Thereafter, Block Development Officer has sent a letter on 28.08.2025 to Sarpanch and Grampanchayat Officer stating that the appointment of petitioner is illegal and directed them to cancel the same and further directions were given to appoint new Gram Rozgar Sevak. Hence, this

petition.

4 Learned Advocate for petitioner relies on the decision of the coordinate Bench at Nagpur in **Faguram Nattelal Nagpure vs. The State of Maharashtra and others** [Writ Petition No.2107 of 2021] decided on 18.06.2024, wherein also no opportunity of hearing was given before setting aside the appointment and, therefore, the petition came to be allowed.

5 The fact that is required to be considered here is, whether the appointment of petitioner was as per Government Resolution or not taking into consideration the impugned communication dated 28.08.2025. The petitioner relies on Government Resolution dated 02.05.2011 and specifically pleads that his appointment was as per the procedure laid down in the said Government Resolution. In the said Government Resolution guidelines were given in respect of duties of Gram Rozgar Sevak, their appointments etc. Those appointments were stated to be by outsourcing method and, therefore, the guidelines were given. Apart from the duty list it was specifically stated that such Gram Rozgar Sevak's appointment should be approved in the Gramsabha (it is specifically stated that 'not by Grampanchayat'). Even the removal of such person can be done only by Gramsabha. It was then stated that even if there would be change in the officials of the Grampanchayat; yet they cannot change Gram Rozgar Sevak. Of course, at the time of removal it

is then stated that before his removal principles of natural justice should be adhered to and he should be heard. The appointment order is not to be given by Block Development Officer, Development Officer (Grampanchayat) or similar such person. That means, what was expected was that the appointment of petitioner should have been by Gramsabha. Here, copy of Proceedings Book has been supplied by petitioner dated 21.09.2024, which was in respect of Masik Sabha (Monthly Meeting), wherein it has been stated that Gramsabha was held on 31.08.2024, however, there was no consensus ruled for the appointment of Gram Rozgar Sevak and then Gramsabha had delegated the powers to Masik Sabha (Monthly Meeting). This resolution is then against the Government Resolution dated 02.05.2011. There was no stipulation in the said Government Resolution that Gramsabha can delegate the powers to any other sub committee. In the impugned communication dated 28.08.2025, it has been stated the same thing that the selection of petitioner is made in the Masik Sabha (Monthly Meeting) and not by Gramsabha.

6 Now, when even Government Resolution also states that before removal, the principles of natural justice will have to be adhered to, that too, before Gramsabha and in the impugned communication it is stated that the Gramsabha should have been the source for appointment, we do not find that

the facts in the **Faguram Nattelal Nagpure** (supra) resembles to the facts before this Court. The petitioner therein was terminated on the ground of misrepresentation and creation of false record based on inquiry report conducted by Block Development Officer. Here, the appointment of petitioner as discussed earlier is not by the appropriate authority i.e. the Gramsabha and, therefore, there is no question of granting the principles of natural justice while removing him. Further, the petitioner only prays stay to the impugned order / communication dated 28.08.2025 and not to challenge the same. Therefore, we do not find this to be a fit case where we should exercise our powers under Article 226 of the Constitution of India. Writ Petition stands rejected.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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