

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15344 OF 2023

Pandurang s/o Kakasaheb Dighule,
Age 35 years, Occu. Gram Panchayat Member
and Agril., R/o Bhalgaon,
Taluka and District Aurangabad.

..Petitioner

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Maharashtra State, Mantralaya,
Mumbai.
2. The Additional Commissioner,
Aurangabad Division, Aurangabad.
3. The Collector, Aurangabad,
District Aurangabad.
4. The Chief Executive Officer,
Zilla Parishad, Aurangabad,
District Aurangabad.
5. Pralhad s/o Devidas Dighule,
Age 48 years, Occu. Agril.
R/o Bhalgaon, Taluka and
District Aurangabad.
6. The State Election Commission
Mumbai, Maharashtra.

..Respondents

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Advocate for the Petitioner : Mr. Jadhavar Dattatray H.

AGP for Respondent/State : Mr. R.B. Dhaware

Advocate for Respondent No.5 : Mr. S.G. Kawade

Advocate for Respondent No.4 : Mr. M.P. Gude

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 12, 2025

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with the consent of parties at the stage of admission.
2. Learned counsel for the petitioner seeks permission to delete the name of respondent no.6 – The State Election Commission from the array of respondents. He further states that no relief is claimed against respondent no.6.
3. In view of that, permission is granted to delete Respondent No.6 – The State Election Commission from the array of respondents at the risk of the petitioner.
4. By way of present petition, the petitioner challenges the order dated 17.07.2023 passed by respondent no.3/Collector, Aurangabad whereby the dispute filed by respondent no.5 came to be allowed and petitioner was disqualified for holding the post of Member of Gram Panchayat, Bhalgaon. The said order was assailed by petitioner by filing an appeal under Section 16 of the Maharashtra Village Panchayat Act before respondent no.3/Additional Commissioner. The Additional Commissioner has also confirmed the order passed by the learned Collector.
5. The learned counsel for the petitioner strenuously submits that for the term 2015 to 2020, the petitioner was elected as a Member of Gram Panchayat. After completion of the tenure of the said Gram Panchayat in the year 2020, the elections have been held in

the year 2021 and on the basis of allegations of misappropriation of funds by the petitioner during the tenure of 2015-2020, the proceeding was initiated before the Collector. The Collector relying on the same allegations of misappropriation pertaining to the year 2015-2020, disqualified the petitioner and the same has been confirmed by Additional Divisional Commissioner.

6. Mr. Kawade, learned counsel for respondent no.5 vehemently opposed the prayers of the petitioner by pointing out that even though the allegations are of 2015-2020 and petitioner was disqualified in the subsequent year, the previous conduct needs to be taken into consideration while passing the order of disqualification and in view of that, he submits that the petitioner has already incurred disqualification for the period 2015-2020 and the same is continued even after fresh election. Even if the period of 2015 was taken into consideration but inquiry was also conducted by the competent authority, but fact remains that the allegations are of the year 2015-2020 and the tenure of Gram Panchayat was over and, therefore, there was no any question of continuing the said action even if the member is elected in subsequent election. Admittedly, there is no any record pointed out by learned counsel for respondent no.5 and the learned AGP relating to fresh allegations of misappropriation after fresh election. It was held that the allegations pertains to the remainder period only to which the Collector and

Commissioner have applied their mind. The provision of disqualification is applicable only when the allegations of misappropriation pertains to the term during which he is elected and member can be disqualified for the remainder of that term and not for the subsequent term.

7. I have gone through the order passed by the learned Collector as well as the Additional Commissioner. It is useful to refer Section 14 (1)(g) of the Maharashtra Village Panchayat Act which reads 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 panchayat or in any contract with, by or on behalf of, or employment with or under, the panchayat;

8. However, Section 14(1)(g) is perused, the disqualification can be ordered for the remainder term and therefore any act which has been done during the term, the disqualification can be ordered. But as far as these allegations of misappropriation are concerned, those were of the year 2015-2020. Therefore, relying on such allegations, the Collector ought not to have ordered the disqualification. This very fact was not considered by the Additional Commissioner also. Therefore, in view of the above facts and the provisions of Section 14(1)(g), I am inclined to allow the petition by

setting aside the order passed by the learned Collector and Additional Divisional Commissioner.

9. In view the above, following order is passed :

ORDER

(I) Writ Petition is allowed.

(II) The impugned order dated 29.11.2023 passed by the learned Additional Commissioner, Aurangabad in Appeal No.2023/GP/Appeal-2/CR-492 and order dated 17.07.2023 passed by the learned Collector, Aurangabad are quashed and set aside.

(III) Rule is made absolute in above terms.

(SIDDHESHWAR S. THOMBRE, J.)