



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

WRIT PETITION NO. 6927/2018

Smt. Pragati Wd/o Shrikrishna Bawane
..VS..
The Addl. Commissioner & ors.

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

Court's or Judge's orders

Shri S.S. Dhengale, Advocate for the petitioner
Ms. Shamsi Haider, AGP for the respondent nos. 1 and 2
Shri H.R. Gadhia, Advocate for the respondent no. 5

CORAM : Z.A.HAQ, J.
DATED : 05/12/2018

Heard.

By this petition, the petitioner has challenged the order passed by the Additional Collector disqualifying her under Section 14 (1) (f) of the Maharashtra Village Panchayats Act from continuing as the Member and Sarpanch of the Gram Panchayat. The petitioner is disqualified on the ground that she continued to hold the office of profit even after she got elected. The appeal filed by the petitioner is also dismissed by the Additional Commissioner.

The submission on behalf of the petitioner is that the petitioner was working under Aasha Swayam Sevika scheme and was getting honorarium and not salary or wages and therefore it cannot be said that she was holding office of profit.

The learned advocate for the respondent no. 5 has argued that even if it is accepted that the petitioner was getting honorarium and not regular salary or wages, it has to be held that she was holding the office of profit.

To support the submission, reliance is placed on the following judgments:-

(a) The judgment given in the case of Jaya Bachchan vs. Union of India and others reported in (2006) 5 SCC at page 266.

(b) The judgment given in the case of Shibu Soren vs. Dayanand Sahay reported in 2001 (7) SCC at page 425.

Considering the proposition laid down in the above referred judgments, I am of the view that the impugned orders are proper and justified and does not require interference by this Court in the extra-ordinary jurisdiction.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari