



Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.2536 OF 2025 (F)

EMIE LEONORA FERNANDES

... PETITIONER

Versus

GOA STATE ELECTION COMMISSION THR
THE COMMISSIONER(DELETED) AND 12
ORS

... RESPONDENTS

Mr. Shivan Desai with Ms. Maria Viegas, Advocates for the
Petitioner.

Mr Hrudaynath S. Shirodkar with Mr. P. Shirodkar, Advocates for
Respondent No.2.

Mr Jatin Ramaiya, Advocate for Respondents No.9 and 10.

Mr Natasha Rai, Advocate for Respondent No.13.

Ms. Maria Simone J. Correia, Additional Government Advocate for
Respondent Nos. 14 and 15.

CORAM:- VALMIKI MENEZES, J.

DATED :- 17th December, 2025

P.C.:

1. The main question raised in this petition, which is in challenge to an order dated 11.09.2025, passed by the State Election Commissioner under Section 10F of the Panchayat Raj Act, is whether the Petitioner could be disqualified from the post of a member of the Panchayat without conducting an inquiry; the submission raised by the Petitioner

is that the Election Commissioner ought to have recorded evidence of the parties before passing the impugned order, in the light of the allegations made in the complaint, and undisputedly in this case none of the parties were permitted to lead evidence, though the impugned order records that the Election Commissioner conducted an inquiry into the allegations by looking into certain documents.

2. Considering the issue raised in the petition, if the contentions of the Petitioners were accepted, the impugned order would have to be set aside. Considering the serious nature of the allegations in the petition, the ground taken would have to be examined.

3. In this view of the matter, there has to be some interim arrangement to be made, considering the rival submissions of the parties, insofar as the participation of the Petitioner in the meetings of the Panchayat.

4. Considering that there is an order of disqualification against the Petitioner, pending decision of this matter, the participation of the Petitioner in such meetings would have to be restricted only to the discussion on the agenda. The Petitioner, however, shall stand restrained from casting a vote at such meeting in view of the order of disqualification. It is further clarified that the Petitioner may sign the attendance register but shall not be entitled to the salary of a member of the Panchayat. If the Petitioner ultimately succeeds, the arrears of salary would be taken into consideration at the time such orders are

passed in the petition.

6. List this matter on 28.01.2026.

VALMIKI MENEZES, J.