

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11984 OF 2019

SINDHU ARJUNA PHATANGALE
VERSUS
THE COLLECTOR HINGOLI AND OTHERS

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Advocate for Petitioner : Shri Chavan Sudhir K.
AGP for Respondents 1 & 2 : Shri Yadav-Lonikar S.R.
Advocate for Respondent 4 : Shri Rathi Swapnil S. For R-4

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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 30, 2019

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PER COURT :-

1. The petitioner / Sarpanch of village Pusegaon is aggrieved by the passing of the 'No confidence motion' against her on 22.3.2019 and the impugned order dated 22.7.2019, passed by the District Collector, Hingoli.

2. I have considered the strenuous submissions of the learned Advocates for the petitioners and respondent No.4 and the learned AGP on behalf of respondents 1 and 2.

3. The learned Advocate for the petitioners has drawn my attention to the seven grounds formulated in the memo of the petition. Having considered the said grounds and the provisions of the Maharashtra Village Panchayat Act, I find that it would not be

necessary to advert to the entire submissions of the learned Advocates.

4. Suffice it to say that about 10 elected members out of the 14, issued a requisition on 16.3.2019 to the Tahsildar, proposing a motion of 'No confidence' against the petitioner. The Tahsildar issued a notice on 16.3.2019 for convening the special meeting on 22.3.2019. As such, the meeting was held within seven days.

5. There were 15 elected members to the Village Panchayat. One member was disqualified. The 14 members were served with the notice of the special meeting. 4 members remained absent, including the petitioner / Sarpanch. As such, the members eligible to sit and vote were 14 and in comparison, ten members present in the meeting would indicate that the quorum for conducting the special meeting was available.

6. The Sarpanch herself remained absent from the special meeting. No ground that she was not served with the notice of the meeting has been taken. The motion was carried by '10' votes in favour and '0' votes against it.

7. The record reveals and the petitioner submits on the basis of

such record that though she was a lady Sarpanch, the said post was not reserved for a woman. In this backdrop, the 'No confidence motion' could be passed by 2/3rd majority and 3/4th majority was not necessary.

8. The petitioner has raised the ground that there are several typographical mistakes in the impugned order. Dates and sequence of events have been messed up. The learned Advocate for respondent No.4 and the learned AGP submit that the District Collector issued a corrigendum after noticing such typographical mistakes and by order date 25.7.2019 such mistakes have been corrected.

9. In view of the above, this petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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