



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.9156 OF 2024**

Indubai w/o Kailas Vaidya  
Age: 40 Years, Occu: Household & Sarpanch,  
of Village Panchayat Vaidya Wadgaon,  
R/o. Vaidya Wadgaon, Tq. Mantha, Dist. Jalna. ..Petitioner

Versus

1. The District Collector, Jalna,  
Tq. & Dist. Jalna.
2. Haribhau s/o. Lobhaji Vaidya  
Age: 60 Years, Occu: Agril.,
3. Ganesh s/o. Nagorao Nalge  
Age: 45 Years, Occu: Agril. & Upsarpanch,
4. Yenubai w/o. Madanrao Raut  
Age: 40 Years, Occu: Member of village Panchyat
5. Antikabai w/o. Manikrao Vaidya  
Age: 65 Years, Occu: Member of village Panchyat
6. Prahlad S/o. Sheshrao Vaidya  
Age: 50 Years, Occu: Member of village Panchyat
7. Sakharam S/o. Manohar Deshmane  
Age: 33 Years, Occu: Member of village Panchyat  
  
Resp. No. 2 to 7 R/o. Vaidyawadgaon,  
Tq. Mantha, Dist. Jalna
8. Gramsevek,  
Gram Panchayat office,  
Vaidyawadgaon, Tq. Mantha, Dist. Jalna ..Respondents

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Mr. V. A. Bagal, Advocate for Petitioner.  
Mr. P. D. Patil, AGP for Respondent No.1.  
Mr. V. B. Kulkarni, Advocate for Respondent No.2-Caveator.

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**CORAM : S. G. CHAPALGAONKAR, J.  
DATED : 26<sup>th</sup> AUGUST 2024.**

**JUDGMENT:-**

1. Rule. Rule made returnable forthwith. By the consent of the parties, matter is taken up for final hearing at the stage of admission.
2. The petitioner impugns order dated 16.08.2024 passed by District Collector, Jalna-respondent no.1 in File No.२०२२/साशा/ग्रापनि/सिआर-११९, thereby disqualifying petitioner being member of Village Panchayat under Sections 7 and 36 of the Maharashtra Village Panchayat Act, 1958 (for short 'MVP Act, 1958').
3. Mr. Bagal, learned Advocate appearing for petitioner invites attention of this Court to the observations of learned Collector in the impugned order. He submits that learned Collector observed that petitioner (original respondent) has not filed written statement or written arguments. Consequently, accepted contentions of respondent nos.2 to 7 alongwith report of Block Development Officer, Panchayat Samiti, Mantha dated 30.05.2024 and declared petitioner as disqualified in terms of Sections 7 and 36 of the MVP Act, 1958. He would further invite attention of this Court to Roznama dated 23.07.2024, which records that petitioner (original respondent) has filed her written arguments. Although written statement of petitioner was part of record, learned Collector failed to refer it and erroneously observed that no written argument is filed on behalf of petitioner. Mr. Bagal would further submit that impugned order violates principles of natural justice and cannot be sustained under law.
4. Per contra, Mr. Kulkarni, learned Advocate appearing for respondent no.2-Caveator and learned A.G.P. for respondent no.1 support the impugned order.

5. Having considered submissions advanced, apparently petitioner has been declared as disqualified in terms of Sections 7 and 36 of the MVP Act, 1958 on the ground that she failed to conduct monthly meetings as well as Gram Sabha as required under law. Bare reading of Sections 7 and 36 of the MVP Act, 1958 would show that Sarpanch of Village Panchayat is under obligation to conduct monthly meeting and also four Gram Sabha within a year. The Collector who is empowered to decide upon disqualification is required to record findings that failure to conduct meeting to conduct meeting was without sufficient cause and then pass order of disqualification in terms of Section 36 of the MVP Act, 1958.

6. In present case, apparently reply tendered by petitioner contains her explanation, same has not been referred to by Collector. The learned Collector has candidly observed that no such reply or written submission has been filed. The observations of the Collector are contrary to the Roznama dated 23.07.2024, which clearly depicts that petitioner has tendered her written arguments. In that view of the matter, impugned order cannot be sustained in law and deserves to be quashed and set aside with further directions to remit matter back for fresh consideration by learned Collector from the stage of reply/written arguments filed by petitioner. The parties shall be at liberty to raise any other contentions before the learned Collector, who shall deal with the same in accordance with law and render fresh decision as regards to the disqualification of petitioner. Consequently, following order is passed:

### **ORDER**

a. Writ Petition is partly allowed.

b. The impugned order dated 16.08.2024 passed by District Collector, Jalna-respondent no.1 in File No.२०२२/साशा/ग्रापनि/सिआर—११९, is hereby quashed and set aside.

c. The matter is remitted back to learned Collector, who shall deal with disqualification proceeding initiated by respondent nos.2 to 7 afresh alongwith reply/written arguments tendered by petitioner and after giving opportunity of hearing shall rule upon disqualification of petitioner.

d. Parties shall appear before learned Collector on 09.09.2024.

e. The learned Collector shall grant opportunity of hearing to respective parties and take fresh decision within a period of two months from the date of appearance of the parties.

f. Writ Petition is disposed of.

g. Rule is made absolute in above terms.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**