



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8220 OF 2025

Satyabhama w/o Dnyanoba Tidke
age 70 years, Occ. Agri and Sarpanch,
of Village Dongarpimpla,
R/o Dongarpimpla, Tq. Gangakhed,
District Parbhani. Petitioner

VERSUS

The State of Maharashtra
and others. Respondents

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Advocate for Petitioner : Mr. J.M. Murkute
AGP for Respondent : Mr. K.B. Jadhavar
Advocate for Respondent no.3 :Mr. P.D. Bachate

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CORAM : S. G. CHAPALGAONKAR, J.
Dated : July 08, 2025

ORDER :-

1. The petitioner takes exception to the order dated 5.6.2025 passed by the District Collector, Parbhani, thereby disqualifying her from the post of Sarpanch of Dongarpimpla, Tq. Gangakhed, District Parbhani for the remaining term.

2. The election of Grampanchayat, Dongarpimpla was held in the year 2021-2022. On 8.2.2021 petitioner came to be elected as Sarpanch. On 1.7.2024 respondent nos.3 to 7

filed application under section 7 and 36 of the Village Panchayats Act, 1958 (for short said Act) seeking disqualification of the petitioner on the ground that petitioner failed to convene meeting of village Panchayat and Gramsabha in tune with the Maharashtra Village Panchayat (Gram Sabha Meeting) Rules, 1959.

3. In pursuance to the application submitted by Members of Village Panchayat, learned District Collector issued notice to petitioner and Gramsevak. They denied allegations. Learned District Collector, upon hearing both the sides and perusal of record of meeting maintained with the village Panchayat, held that petitioner has committed default in conduct of the monthly meetings and Gramsabha. As such, breached the mandate under section 7 and 36 of the said Act. Eventually, passed an order of disqualification/removal of the petitioner from the post of Sarpanch.

4. Mr. Murkute, learned advocate appearing for petitioner would submit that petitioner has convened monthly meetings of Panchayat. Similarly, held Gramsabhas as contemplated under the provisions of Maharashtra Village Panchayat Rules. The learned Collector has drawn erroneous

conclusion and only because notice of meeting does not state date or month and year, drawn adverse inference although there is record of actual meeting being conducted and proceeding were signed by Sarpanch, Upsarpanch and Member. Mr. Murkute, would further submit that learned Collector has erroneously concluded that petitioner has not conducted Gramsabha for month of April-May 2021 and November, 2023 or notice for Gramsabha dated 18.8.2022 and 8.5.2023 has not been given. According to Mr. Murkute, Gramsabha for the month of April, 2021 could not be conducted due to Lockdown. Even State Government had issued a Circular dated 12.5.2020 exempting conduct of Gramsabha until further order and finally such a ban was uplifted on 21.1.2022. So far as Gramsabha of the month of November, 2023, it was conducted on 9.11.2023. Even Gramsabha of 18.8.2022, 26.1.2023 and 8.5.2023 were conducted and proceedings shows signatures of villagers. According to Mr. Murkute, unless it is shown that failure to conduct meeting was intentional or deliberate, drastic action of disqualification cannot be taken. According to him, elected representative cannot be removed or declared disqualified unless impeccable evidence is available.

5. Per contra, Mr. Bachate, learned advocate appearing for respondent/member of village Panchayat supports the impugned order. According to him, legislative mandate to conduct meeting of the Panchayat in every month and four meetings of Gramsabha every year would entail obligation upon Sarpanch and in his absence by Upsarpanch. Even, failure to convene single meeting in breach of rules prescribed disqualification under section 36 of the Act would attract. According to Mr. Bachate object of meeting is to take collective decision which is to be expressed in the form of Resolution. Unless notices of the meeting are served in terms of meeting rules, disqualification under section 7 and 36 would attract. In support of his contentions, he relies upon the following judgments.

1. Gunwantrao Y. Deshmukh Vs. State of Maharashtra reported in AIR 1982 Bom. 295.
2. Govindrao Tulshiram Waghmare Vs. Ranjit M. Halse in Writ Petition No.3887 of 2013.
3. Salimbi Mubarak Tamboli Vs. The State of Maharashtra in Writ Petition No.10956 of 2018.
4. Kusum C. Kachare Vs. The State of Maharashtra in Writ Petition No.13141 of 2017.
5. Manohar D. Pote Vs. The Collector, Jalna in Writ Petition No.9427 of 2022 and
6. Chabubai N. Nagargoje Vs. The State of Maharashtra in Writ Petition No.4139 of 2022.

6. Having considered the submissions advanced and on perusal of impugned order, it can be observed that petitioner has been elected as Sarpanch on 8.2.2021. Record indicates that notices for monthly meeting during period from July 2022 till June 2023 do not depict date, month or year of the meeting. Similarly, for June, 2023 minutes of meeting are not available. Gramsabha for November, 2022 is not conducted and no explanation is given for the same. Apparently, for year 2023, one Gramsabha out of four mandatory Gramsabhas is missing. No explanation is offered for such default.

7. It can be observed from the record that in a financial year, petitioner was under obligation to conduct Gramsabha for April-May 2021, August-2021, November 2021 and 26 January, 2022. First meeting for April-May was conducted on 6.5.2022. Second meeting was conducted on 18.8.2022 and last meeting was conducted on 26.1.2023. But, there is no mention of Gramsabha for the month of November. The learned Collector has therefore recorded finding of fact regarding default in conduct of Gramsabhas for November 2022.

8. Apart-from the aforesaid facts, in terms of Rules 5,6, and 7 of the meeting Rules, 1959 procedure for issuing notices for Gramsabha is prescribed. However, record shows that the documents pertaining to such notices issued at least 7 days before date of Gramsabha are not available and no explanation is coming for the same, which creates serious doubt, if the Gramsabhas were actually held. Similarly, the petitioner has defaulted in conduct of the monthly meeting for June, 2023 and notices of monthly meetings for July 2022 to June 2023 do not specify particulars like date, month of meeting. In the aforesaid factual matrix of the matter, it can be observed that petitioner failed to observe mandate of Rule 3 requiring holding of at least one meeting of the Panchayat at every month. Such obligation has to be carried forward according to the rules prescribed in that behalf. Therefore, if there is failure to act according to the Rules, prescribed in connection with holding meeting of Panchayat, Sarpanch shall incur a disqualification to continue in the office.

9. It is true that if Sarpanch could demonstrate good reason to not to convene the meeting, disqualification may be dispensed with, however, in the present case, petitioner failed

to bring on record explanation for not convening meeting in accordance with the rules prescribed in that behalf. Although, petitioner endeavors to bring on record notices issued for the monthly meeting, those are not in consonance with the intent and purpose of Rule 3.

10. In that view of the matter, findings recorded by the learned District Collector about non-compliance of section 7 and 36 of the Act needs no interference in writ jurisdiction for want of perversity. In the result, writ petition sans merit, hence **dismissed**.

(S. G. CHAPALGAONKAR)
Judge

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