IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

971 REVIEW APPLICATION (CIVIL) NO. 163 OF 2025
IN WP/7909/2025

BABURAO VISHNU DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. M. P. Kale, Advocate h/f Mr. N. L. Jadhav, Advocate for the Applicant
Mr. V. M. Kagne, AGP for the Respondents – State
Mr. Mahesh K. Bhosale, Advocate for Respondent No.7 (Original Petitioner)

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CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 18.07.2025

PER COURT :-

1. By this Application, the Applicant is seeking review of order dated 03.07.2025, passed by this Court, whereby Writ Petition No.7909 of 2025, filed by Respondent No.7 in this Application, was allowed, thereby setting aside order dated 20.01.2025, passed by the Respondent Collector. By the said order, the Respondent Collector had disqualified the Petitioner as Member and Upasarpanch of the Grampanchayat, Warapgaon, District Beed, on account of failure of Respondent No.7 in

producing tribe validity certificate within the stipulated period of time.

2. The learned counsel for the Review Applicant submits that a vital fact was suppressed by Respondent No.7 while pressing for relief in the Writ Petition. An earlier Writ Petition filed by Respondent No.7, challenging the very same order of the Collector, was dismissed along with a group of other Petitions by order dated 21.02.2025. Despite the aforesaid fact within the knowledge of Respondent No.7, in paragraph 10 of the Writ Petition, statement was made on his behalf that he had not filed any other Petition or Application before this Court or the Supreme Court touching upon the subject matter of the Writ Petition. It is submitted that, in the face of such a false statement on behalf of Respondent No.7, the order passed by this Court deserves to be recalled and the Writ Petition itself ought to be dismissed.

3. It is further submitted that in the interregnum, during the period when the Respondent No.7 was disqualified, by-election took placed and the Applicant was elected as Upasarpanch from amongst the members of the said Grampanchayat. This was as per the Resolution dated 27.03.2025 of the Grampanchayat. In this context,

it was stated that the subject ordinance itself dated 30.04.2025, dealt with such contingencies wherein, in case of a by-election having taken place, the benefit of the said ordinance could not be available to the candidate who had been disqualified.

4. On the other hand, the learned counsel for Respondent No.7 (Original Petitioner) submitted that in the Writ Petition itself in paragraph 6, it was specifically stated that the by-election had taken place and in that context, prayer clause (B) of the Writ Petition prayed for quashing and setting aside of the resolution of the Grampanchayat, whereby the Review Applicant was elected as Upasarpanch. It is submitted that therefore there was suppression of facts.

5. On the aspect of earlier Writ Petition filed by Respondent No.7 and its dismissal, the learned counsel for Respondent No.7 could not dispute the facts.

6. We are of the opinion that insofar as the resolution of the Grampanchayat dated 27.03.2025, whereby the Review Applicant was elected as Upasarpanch in the by-election, Respondent No.7 (Original Petitioner) had indeed divulged the factual position and a

prayer in that context was also made in the Petition. To that extent, the allegation of suppression of facts would not sustain as against Respondent No.7.

7. But, the statement made in paragraph 10 of the Writ Petition amounts to making a misleading statement before this Court. The said paragraph of the Writ Petition, reads as follows:-

> "*10]. Petitioner has not filed any other petition, application or any other proceedings before this Hon'ble Court of the Hon'ble Supreme Court of India, except the present one, touching the subject matter of this Writ Petition.*"

8. We find that the subject matter of the Writ Petition was primarily challenging the order dated 20.01.2025 passed by the Respondent Collector, disqualifying the Respondent No.7 (Original Petitioner) on the ground of failure to produce validity certificate within stipulated time. This very order was challenged by the Petitioner himself in the earlier Writ Petition filed before this Court bearing Writ Petition No.2316 of 2025. The said Writ Petition along with a bunch of other Writ Petitions, was dismissed on 21.02.2025 by this Court.

9. The said fact was clearly suppressed from this Court in Writ Petition No.7909 of 2025.

10. It was incumbent upon Respondent No.7 to have honestly stated about filing of the earlier Writ Petition and its fate before praying for setting aside of the very same order of the Collector, albeit on the basis of the Maharashtra Ordinance No.III of 2025 dated 30.04.2025, which was indeed a subsequent event. Failure to divulge these facts amounts to misleading this Court. On this ground alone, the order dated 03.07.2025 passed by this Court deserves to be reviewed and recalled.

11. As regards the submission made on behalf of the Review Applicant, that he was elected as Upasarpanch by Resolution dated 27.03.2025 of the Grampanchayat, Clause-(2) of Sub-Section (2) of Section 3 of the Ordinance, would take effect. We find substance in the same. Insofar as the elected post of Upasarpanch is concerned, even if Respondent No.7 is entitled to the benefit of said ordinance, he could not have been reinstated on the post of Upasarpanch. At the most, he could be reinstated an elected Member of the Grampanchayat.

12. Therefore, we partly allow the Review Application by recalling our order dated 03.07.2025. Instead, we only partly allow

Writ Petition No.7909 of 2025 by holding that since the Respondent No.7 (Original Petitioner) is indeed entitled to the benefit of the Maharashtra Ordinance No.III of 2025 dated 30.04.2025, his disqualification as a Member of the Grampanchayat is set aside, subject to the Respondent No.7 producing validity certificate on or before 30.04.2026. It is held that in the facts and circumstances of the present case, Respondent No.7 cannot be reinstated on the elected position of Upasarpanch.

13. The effect of the same is that the Review Applicant would continue as Upasarpanch in the light of the Resolution dated 27.03.2025.

14. The Respondent Scrutiny Committee is directed to decide the tribe claim of Respondent No.7 (Original Petitioner) as expeditiously as possible.

15. The Review Application is disposed of in the above terms.

[Y. G. KHOBRAGADE, J.] [MANISH PITALE, J.]

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