



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

933 WRIT PETITION NO.10829 OF 2025

**NIRMALABAI MADHAV MESHARAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioner : Mr.G.R.Ingole
AGP for Respondent-State : Mr.
Advocate for Respondent no.3 : Mr.Syed Parvez h/f.
Mr.S.B.Pulkundwar
Advocate for Respondent no.4 : Mr.D.B.Rode
Advocate for respondent no.5 : Mr.S.T.Bhimale
Advocate for intervener : Mr.S.T.Veer

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**WITH
CIVIL APPLICATION NO.10422 OF 2025**

CORAM : ARUN R. PEDNEKER, J.

DATE : 24.09.2025

P.C. :

1] Civil Application No.10422/2025 is filed to intervene in the present Writ Petition. For the reasons stated in the Civil Application, the same is allowed.

2] The learned counsel for the petitioner submits that the petitioner is elected as a member of village panchayat Ghoti and thereafter she was elected as a Sarpanch of the said village on 19.09.2022 and she belongs

to S.T. [woman] category. He further submits that the respondent no.5 filed Grampanchayat Dispute No.94/2024 before the respondent no.2 i.e. Collector against the petitioner on the ground that the petitioner has failed to conduct gramsabha meetings. Thereafter, the Collector called report from the Block Development Officer and notice was issued to the petitioner. He further submits that after hearing the petitioner so also after considering report submitted by the Block Development Officer, the Collector held that the petitioner has conducted only one Gram Sabha meeting and accordingly disqualified the petitioner from the post of Sarpanch. The said order is challenged by the petitioner before this Court by filing present writ petition.

3] The learned counsel for the petitioner submits that there was no notice issued to the petitioner indicating that she failed to take gramsabha meetings, as such, there is no properly formulated the charge against the petitioner. He further submits that at the relevant time the Gramsevak of the village was suspended as Gramsevak of the village

was not available to conduct the meeting. He further submits that notwithstanding the Gramsevak was not available, the gramsabha meetings were held and the proceedings of the meetings were available with the Gramsevak and the same were not submitted to the Collector. He further submits that Section 7 r/w. 36 of the Maharashtra Village Panchayats Act, 1958 provides that in the event the petitioner fails to take meeting then disqualification can be incurred on the ground of insufficiency of reasons. He further submits that no notice was given to the petitioner before disqualification. He further submits that gramsabha meetings were held, however, the record of conducting gramsabha meetings with the gramsevak. Considering the said fact, the order passed by the Collector is perverse and the same needs to be stayed. The learned counsel for the petitioner relies upon the judgments in the case of **Shaikh Mobin Abdul Kareem Vs. The State of Maharashtra & others** in Writ Petition No.6129/2025 decided on 12.09.2025, in the case of **Pradipkumar Babarao Patil Vs. The State of Maharashtra &**

others in Writ Petition No.10143/2012 decided on 13.12.2012, in the case of **Manohar Dnyaneshwar Pote Vs. the Collector, Jalna & others** in Writ Petition No.9427/2022 decided on 24.02.2023 so also in the case of **Sunil Daulat Patil Vs. The State of Maharashtra & others** in Writ Petition No.3419 of 2013 decided on 04.12.2013 and submits that without properly formulating the charge against the petitioner, so also, without giving notice to the petitioner, the order of Collector disqualifying the petitioner is perverse. He further submits that the petitioner belongs to S.T. [woman] category with absolutely no educational qualification and she relied upon the gramsevak, Secretary of the Panchayat, who assisted to conduct the meeting and to maintain the record. Considering the said fact, the impugned order passed by the Collector is illegal.

4] *Per contra*, the learned counsel for the intervener submits that the Collector has power to suo motu enquire into the matter and the order passed by the Collector is just and legal. He further submits that in the

instant case the complaint was filed, as such, notice is given to the Sarpanch.

5] Having considered the submission, it is to be noted that, while passing the impugned order, the Collector has only relied upon the report submitted by the Block Development Officer, however, record of the panchayat does not appear to have been placed before him, so also, no proper opportunity of hearing to explain 'sufficiency of reasons' for not holding the meeting was given to the petitioner before passing impugned order. The fact is not disputed before me that at the relevant time Gramsevak was suspended.

6] Considering the above facts, till the next date, the impugned order dated 12.08.2025 passed by the District Collector, Nanded is stayed.

7] List this matter on 07.11.2025.

8] Record and proceedings be called.

9] Reply be filed before next date.

[ARUN R. PEDNEKER]
JUDGE