



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11795 OF 2024

Ramrao Laxman Bansode,
Age 62 yeas, Occ. Agriculture,
and Sarpanch of village Panchayat,
Mokali (Karhal) Tq. Dharmabad,
Dist. Nanded.

.. PETITIONER

VERSUS

1. The Collector,
Nanded, Dist. Nanded.
2. Village Development Officer,
Age Major, Occ. Ser vice,
Gram Panchat Office,
Mokali (Karhal), Tq. Dharmabad,
Dist. Nanded.
3. Block Development Officer,
Panchayat Samiti, Dharmabad,
Dist. Nanded.
4. Ramesh Mohan Shrigire,
Age Major, Occ. Member of Village Panchayat,
R.o. Mokali (Karhal), Tq. Dharmabad,
Dist. Nanded.
5. Hanmantrao Irwanta Warle,
Age Major, Occ. Member of Village Panchayat,
R.o. Mokali (Karhal), Tq. Dharmabad,
Dist. Nanded.
6. Shobha w/o. Hanmantrao Warle,
Age Major, Occ. Member of Village Panchayat,
R.o. Mokali (Karhal), Tq. Dharmabad,
Dist. Nanded.
7. Lalita Shivkant Warle,
Age Major, Occ. Member of Village Panchayat,
R.o. Mokali (Karhal), Tq. Dharmabad,
Dist. Nanded.

.. RESPONDENTS.

Mr. Umakant B. Deshmukh, Advocate for petitioner.
Mr. Akash E. Madne h/f. Mrs. Savita E. Madne for respondent No.4.
Mr. N.S. Tekale, AGP for respondent No.1
Mr. S.B. Pulkundwar, Advocate for Respondent No.3.

CORAM : MEHROZ K. PATHAN, J.

**RESERVED ON : 3rd OCTOBER, 2025.
PRONOUNCED ON : 17th OCTOBER, 2025.**

JUDGMENT :-

1. Heard. Rule. Rule made returnable forthwith. By consent of learned counsel for parties, matter is heard finally at the stage of admission.

2. The petitioner has filed this petition thereby challenging the order dated 7.10.2024 passed by the Collector, Nanded, thereby disqualifying the petitioner under the Sections 7 and 36 as Sarpanch of the village Mokali (Karhal) Taluka Dharmabad, Dist. Nanded.

3. The facts in a nutshell are that, the petitioner got appointed as Sarpanch of Gram Panchayat Mokali in February, 2021 and tenure of the post of Sarpanch is 5 years. During said period, respondent Nos. 4 to 7 herein, have submitted a complaint to the Collector, Nanded, thereby informing the Collector that the petitioner has failed to conduct 4 meetings of the Gram Sabha and monthly meetings of the Gram Panchayat. The petitioner may be disqualified to hold the post of Sarpanch.

4. Taking note of the complaint, the Collector issued a notice dated 1.3.2024 to the petitioner calling upon him to attend the hearing scheduled on 19.3.2024 on the complaint submitted by respondent Nos. 4 to 7 and show cause as to why the petitioner shall not be disqualified from the post of Sarpanch. The Collector also called upon the report from the Block Development Officer about the veracity of the allegations made in the complaint and to find out, whether the petitioner acting as a Sarpanch has failed to conduct necessary meetings as provided under the Village Panchayat Act. The petitioner was, therefore, called upon to conduct the hearing and

Advocate Bhise, who was appearing on behalf of the petitioner had failed to attend the hearing and also failed to file any reply after receipt of the report and as such, the Collector decided the disqualification application submitted by respondent Nos. 4 to 7 on its own merits.

5. The petitioner has thus approached this Court challenging the order dated 7.10.2024. The learned counsel for petitioner submits that the complaint dated 28.12.2023 would show that there is a specific allegation that for one year the petitioner has not conducted any monthly meeting of the Gram Panchayat and it is also stated in the complaint that for the year 2023, the requisite Gram-Sabha meetings were not undertaken by the petitioner as per Section 36 of the Bombay Village Panchayat Act, 1958. However, the show cause notice dated 1.3.2024 also does not speak about particular allegations or charges, to which the petitioner has to reply or show cause. The petitioner was, therefore, unable to appropriately reply to the show cause notice and in the absence of same, the Collector has finally decided the disqualification application filed by respondents vide impugned order dated 1.3.2024.

6. In this backdrop, the counsel for petitioner relies upon the judgment in the matter of ***Sunil Patil Vs. The State of Maharashtra and others (W.P. No. 3419 of 2013)***, wherein, in an identical situation, this Court has held that to enable the Sarpanch to raise proper defence and explain sufficient cause for his failure to perform any statutory function, he must be informed essentially as regards his failure meaning thereby, he must be communicated the specific charges. This court was therefore pleased to quash and set aside the disqualification of the Sarpanch therein.

7. The learned counsel for petitioner therefore, submits that the show cause notice dated 1.3.2024 being vague, has deprived the petitioner to give sufficient explanation to the charges and therefore, his right is defeated. The impugned order of disqualification is, therefore, liable to be set aside on this ground alone.

8. The learned counsel for the petitioner further relied upon the fact that the petitioner was disqualified from January, 2023 to July, 2023 for non submission of caste certificate in view of the order dated 17.1.2023 passed by the Collector office, Nanded. It is submitted that the State Government has issued a communication dated 17.1.2023, whereby, it is stated that the candidates who got elected from reserved category and has failed to submit caste validity certificate , action shall be taken against such elected member under Section 10(1)(C) and 30(1)(C) of the Maharashtra Village Panchayat Act. It is therefore submitted that in view of the said communication dated 17.1.2023 issued by the State Government, the petitioner stood disqualified as the petitioner did not submit caste certificate and was therefore unable to hold the requisite meetings of Gram Sabha and Gram Panchayat between January, 2023 and August, 2023.

9. The extension of submission of the petitioner is that, the petitioner was reinstated on the post of Sarpanch only after the issuance of letter dated 14.7.2023 by the Collector, Nanded, wherein, time for submitting caste validity certificate extended by Government was communicated and as such, the members who were disqualified from the Gram Panchayat for non submission of caste validity certificate were again reinstated on their respective posts. It is therefore submitted that after getting reinstated on the post of Sarpanch by communication dated 14.7.2023 issued by the Collector, Nanded, the petitioner has regularly conducted the meetings of the Gram Sabha as well as monthly meetings of the Gram Panchayat. Therefore, no fault can be found with the petitioner for not holding monthly meetings as prescribed under Section 7 and 36 of the Maharashtra Village Panchayat Act. Hence, the order of disqualification is misconceived and liable to be quashed and set aside.

10. As against this, the learned counsel for respondents submits that the petitioner has failed to give explanation to the show cause notice dated 1.3.2024. Perusal of the order passed by the Collector, Nanded would show that several opportunities were granted to the petitioner to file his reply from 9.3.2024 to 1.10.2024. However, the petitioner failed to submit any reply to the

show cause notice issued by the Collector. The collector has applied its mind to the report submitted by the Block Development Officer and has rightly concluded that the petitioner has failed to conduct the meetings and therefore, incurred disqualification as a member as per Section 36 of the Maharashtra Village Panchayat Act. As such, the impugned order is just and proper and deserves to be maintained.

11. Learned APP Mr. Tekale, stated that even though in the notice dated 1.3.2024 no specific charges are mentioned, however, it makes a mention in the subject as Section 7 and 36 of the Maharashtra village Panchayat Act, pertaining to village Mohali. He, therefore, submits that the charge is specified in the subject and therefore, it is sufficient enough to give an idea to the petitioner about the charges against him. The petitioner has failed to appear before the Collector and hence, the Collector has rightly disqualified the petitioner. Learned APP further submits that failure to hold even a single meeting as prescribed under Section 7 and 36 is sufficient enough to incur disqualification by Sarpanch of Gram Panchayat. He, therefore, submits that the impugned order is just and proper and liable to be maintained.

12. I have considered the submissions advanced and heard Mr. Umakant Deshmukh, the counsel for petitioner; Mr. Madane, learned counsel for respondent and Mr. Takale, learned APP for the respondent Collector and perused the record.

13. After going through the record, it is seen that the complaint dated 28.12.2023 is filed by respondent Nos. 4 to 7 making specific allegations giving a specific complaint about the petitioner's failure to hold monthly meeting of the Gram Panchayat and 4 meetings of Gram Sabha in the year 2023, the period for which the petitioner is sought to be disqualified for not holding aforesaid meetings as provided under Sections 7 and 36 of the Maharashtra village Panchayat Act. The Collector, Nanded has issued show cause notice dated 1.3.2024, however, specific charges are not stated in the show cause notice thereby depriving the petitioner of his right to defend himself by giving

explanation to the show cause notice. It would be appropriate to refer to the judgment of this Court in *Pratibha Hulle vs. Additional Collector and others 2010(4) Bom.C.R. 700*, and *Sunil Patil Vs. State of Maharashtra* which speaks about the requirement of specific mention of the charges in the show cause notice dated 1.3.2024, so as to enable the Sarpanch to answer the allegations, as a mandatory requirement. In the absence of the specific charges, the said disqualification under Section 7 and 36 of the said Act was, therefore, quashed and set aside. I do not propose to take any different view in the matter. The show cause notice dated 1.3.2024 does not refer to the complaint made by the respondent Nos. 4 to 7 dated 28.12.2023. The show cause notice does not even refers to the charge of not holding monthly meetings or the Gram Sabha, thus depriving the petitioner an opportunity to make proper representation and explanation.

14. It is further seen that the petitioner was also disqualified for not submitting caste validity certificate, vide communication issued by the State Government dated 17.1.2023, whereby, it was directed to take action under Section 10(1)(c) and 30(1)(c) of the Maharashtra Village Panchayat Act, 1959. It is only vide communication dated 14.7.2023 issued by the Collector that the petitioner who was disqualified for non submission of caste validity certificate was reinstated to his post of Sarpanch. Perusal of the report submitted by Block Development Officer, Dharmabad, Nanded, dated 18.3.2024 would show that the petitioner Ramrao Bansode had conducted the meeting of Gram Sabha on 15.8.2023 and 5.12.2023. The report of BDO further states about the monthly meetings of the Gram Panchayat on 25.8.2023, 27.9.2023, 23.10.2023 and 20.11.2023 conducted by the petitioner as Sarpanch, i.e. after the petitioner got reinstated on the said post in pursuance to the communication dated 14.7.2023 issued by Collector, Nanded.

15. Thus, it can be seen from the record that after being reinstated on the post of Sarpanch vide communication of the Collector dated 14.7.2023, the petitioner had conducted regular meetings of the Gram Sabha as well as monthly meetings of Gram Panchayat intermittently. Thus, the ground raised

by the petitioner that he was unable to conduct the meeting because of the disqualification incurred for non submission of caste validity certificate, as per the direction of the State Government, dated 17.1.2023, appears to be genuine and the same ought to have been considered by the Collector, Nanded who had himself passed the order of reinstatement dated 14.7.2023 as well as the impugned order of disqualification dated 7.10.2024. It is to be noted that the post of Collector, Nanded, was held by the same Officer who had issued both the orders of disqualification as well as reinstatement. Thus, there is a total non-application of mind on the part of the Collector Nanded in issuing the impugned order of disqualification. Hence, the same deserves to be quashed and set aside. Hence, the following order :-

O R D E R

[i] The impugned order dated 7.10.2024 passed by the learned Collector, Nanded, thereby disqualifying the petitioner under Section 7 and 36 of the Maharashtra Village Panchayat Act, 1959 as Sarpanch of Village Panchayat, Mokali (Karhal) Tq. Dharmabad, Dist. Nanded, is hereby quashed and set aside. The petitioner is directed to be reinstated on the post of Sarpanch of Gram Panchayat, Mokali (Karhal), Taluka Dharmabad, Dist. Nanded.

[ii] The respondent No.1 shall allow the petitioner to work as Sarpanch of village Mokali (Karhal), Taluka Dharmabad, Dist. Nanded with immediate effect.

[iii] Rule made absolute in above terms, with no orders as to costs.

[MEHROZ K. PATHAN]
JUDGE.

grt/-