



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

960 WRIT PETITION NO. 11920 OF 2024

MANJULABAI BHARAT SHRIRAME  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Mr. V. B. Kulkarni, Advocate for the petitioner  
Mr. D. B. Bhange, AGP for the respondent/State  
Mr. S. B. Pulkundwar, Advocate for respondent No.3  
Mr. A. R. Kawade h/f Mr. S. B. Madde, Advocate for respondent No.4  
Dr. R. R. Deshpande h/f Ms. P. R. Deshpande, Advocate for respondent No.5

CORAM : R. M. JOSHI, J.  
DATE : 27<sup>th</sup> FEBRUARY, 2025

PER COURT :-

1. This petition takes exception to the order dated 7<sup>th</sup> October, 2024 passed by District Collector, Nanded in File No. 2023/GB/Desk-1/GraPaNi/CR-45 passed under the provisions of Sections 7 and 36 of the Maharashtra Village Panchayats Act (for short 'the Act'), whereby the petitioner was declared as disqualified as Sarpanch of Grampanchayat Rui, Tq. Kandhar, District Nanded.

2. It is a case of the petitioner that in the elections of village panchayat Rui, the petitioner was elected as member in January 2021 and subsequently was elected as a Sarpanch amongst the members of the Grampanchayat. Respondent No.5 filed Dispute Application under

Sections 7 and 36 of the Act. B.D.O., Kandhar Panchayat Samiti conducted enquiry and submitted report on 19<sup>th</sup> May, 2023. It is a grievance of the petitioner that report was incomplete and the same was submitted without giving opportunity to the petitioner. It is alleged that without mentioning specific charges notice came to be issued by the Collector to the petitioner. In response to the said notice, she appeared before the Collector and filed reply with explanation. It is a case of the petitioner that the Collector, Nanded passed order dated 16<sup>th</sup> November, 2023 disqualifying the petitioner from the post of Sarpanch. Being aggrieved by the said order petitioner filed Writ Petition bearing No. 15269 of 2023 before this Court. By order dated 16<sup>th</sup> November, 2023 the order passed by the Collector came to be quashed and set aside and the matter was remanded for considering explanation of the petitioner. It is thereafter another report was called from the Deputy CEO (Panchayat), Zilla Parishad, Nanded. The Collector passed impugned order dated 7<sup>th</sup> October, 2024 without considering the reasons given by the petitioner and without recording findings about the ground of sufficiency for her disqualification, hence, this petition.

3. Learned counsel for the petitioner submits that the petitioner has not been given notice by the B.D.O. as well as by the CEO while conducting the enquiry and no specific charges were communicated to

her by the Collector and therefore in view of the judgment of this Court in case of *Pratibha w/o Sanjay Hulle Vs. Additional Collector, Latur and others, 2010(5) Mh.L.J., 47* the order impugned cannot sustain. It is his submission that in such circumstances question of disqualification of the petitioner as a Sarpanch does not arise and that order deserves to be set aside. He submits that the Collector has incorrectly taken into consideration the non conducting the meeting of March, 2023 which is beyond the notice issued to the petitioner.

4. Learned counsel for respondent No.5 and learned AGP supported the impugned order. It is the contention of the learned counsel for the contesting respondent that there is ample evidence on record in order to indicate that the monthly meeting as well as Gram Sabha were not conducted as contemplated by Sections 7 and 36 of the Act. It is his submission that even if the contention of the petitioner has accepted that for want of coram the meeting was adjourned, the adjourned meeting is never conducted and as such it amounts to breach of relevant provision. He submits that it was a case of the petitioner herself that she had conducted the 8 meetings of Gram Sabha from 11/06/2021 to 18/10/2022. He, however, points out that as per the Bombay Village Panchayat (Gram Sabha Meetings) Rules, 1959, holding of 4 Gram Sabha is mandatory in a financial year which is from April to

March. He also drew attention of the Court to Rule 3(1), which contemplates holding first meeting of Gram Sabha in every financial year within two months of the commencement of year and second meeting shall be held on November every year. It is thus his contention that from the admitted facts it cannot be said that 4 meetings were conducted in financial year and hence, there is no reason for causing interference in the impugned order.

5. Though it is sought to be contended now by the petitioner that she was not issued notice by BDO as well as CEO for the purpose of while conducting enquiry but the record indicates that the earlier order passed by the Collector was challenged in Writ Petition No. 15269 of 2023. This Court by order dated 21<sup>st</sup> December, 2023 has set aside the said order passed by Collector and remanded back the matter to the Collector directing him to consider the explanation given by the petitioner and thereupon to pass appropriate order. This order has not been challenged by either side and as such attained finality. The Collector was therefore required to consider the explanation submitted by the petitioner before passing any order. The contention of non issuance of notice by BDO/Dy CEO sought to be raised cannot be allowed to be agitated now. Only question arises herein is as to whether the Collector has taken into consideration the explanation submitted by the petitioner

for not conducting the Gram Sabha/monthly meetings and the order is sustainable or not in the eyes of law.

6. Perusal of the impugned order shows that the record was verified and the report submitted by the BDO as well as Deputy CEO, ZP, Nanded was considered. The details of the monthly meetings and Gram Sabhas conducted by the petitioner is also duly recorded therein. The record indicates that there was no meeting held in November, 2022 of monthly meeting so also Gram Sabha. In fact the petitioner has made statement and claimed that she has conducted 8 Gram Sabhas from 11/06/2021 to 18/10/2022 and therefore there is compliance of Section 7 of the Act. This contention of the petitioner needs to be considered view of Section 7 read with relevant rules. Section 7 mandates at least 4 meetings of Gram Sabha every financial year and non convening 4 meetings would render disqualification for continuing Sarpanch. Gram Sabha meeting Rules, 1959, Rule 3(1) requires first meeting to be held within two months in every financial year and one meeting in month of November. Similarly, as per Rule 3(2) Gram Sabha shall be ordinarily held in month of August and 26<sup>th</sup> January. Thus, even if the contention of the petitioner is accepted to be proved, that does not meet with the requirements of Section 7 of the Act read with the relevant rules.

7. Apart from this, in respect of monthly meeting which was adjourned in December, 2022 was not conducted again, as required by Maharashtra Village Panchayat Meeting Rules, 1959. It is therefore amounts to non conducting of the meeting and resultantly become disqualification under Section 36 of the Act.

8. Though the Collector could not have disqualified the petitioner as a Sarpanch for not conducting of meeting of March, 2023, however, there is sufficient material on record to indicate that the 4 Gram Sabhas were not held in financial year April 2021 to March, 2022. In view of the case of the petitioner herself, no further evidence was required to be brought on record in order to disqualify her.

9. Having regard to the nature of the provisions of Sections 7 and 36 of the Act which mandate conducting of minimum Gram Sabha and monthly meetings, the order of disqualification of the petitioner cannot be entertained. Hence, petition stands dismissed.

**(R. M. JOSHI, J.)**

ssp