



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

949 WRIT PETITION NO. 13355 OF 2024

Archana Laxman Kale

...Petitioners

VERSUS

1. State of Maharashtra,
Through its Secretary,
Rural Development & Panchayat
Raj Department, Mantralaya,
Mumbai.
2. District Collector,
Latur, Dist. Latur.
3. Tahsildar, Ausa
Tq. Ausa, Dist. Latur
4. Pandurang Keshav Petkar,
5. Kishor Tatyrao Kale
6. Anuradha Vishwanath Sagare
7. Babita Balbhim Kulkarni
8. Sarika Dattatraya Madibone
9. Savika Vilas Kale
10. Kundalik Govind Kamble
11. Nagnath Madhav Dapade
12. Aalka Suresh Pawar
13. Babasaheb Rangnath Patil

...Respondents

...

Mr. Sharad V. Natu, Advocate for the Petitioner

Mr. V. S. Badakh, AGP for Respondent Nos.1 & 2.

Mr. Ramrao D. Biradar, Advocate for Respondent Nos. 4 to 13.

CORAM : ROHIT W. JOSHI, J.

DATE : 21st AUGUST, 2025

ORAL JUDGEMENT :

1. The petitioner was elected as member of Grampanchayat Karla, Tahsil Ausa District Latur in the year 2021. After being elected as a member she was elected as Sarpanch of Grampanchayat by the elected members. The total strength of the Grampanchayat is of 11 members.

2. Nine members of the Grampanchyat had moved a motion of No-Confidence against the petitioner. The said members had issued notice to the Tahsildar in this regard. The Tahsildar had convened the special meeting of the panchayat on 12.08.2024. 10 out of 11 members attended the said meeting. Motion of No-Confidence was passed by a majority 9:1 in the said meeting. The motion was declared to be passed.

3. The petitioner raised a dispute with respect to the said motion which came to be decided against her vide order dated 25.11.2024 passed by respondent no.2-Collector. The present petition is filed challenging the said motion of No-confidence passed on 12.08.2024 and the order dated 25.11.2024 rejecting challenge to the said motion.

4. The learned counsel for the petitioner contends that three members of the Grampanchayat were elected from reserved categories.

He states that the said members have failed to produce caste validity certificates within a period of one year as contemplated under Section 30(1-A) and Section 10(1-A) of the Maharashtra Village Panchayats Act, 1959. He contends that the said three members had incurred automatic disqualification in view of provisions of 10(1-A) and 30(1-A) of the said Act and yet their votes were taken into consideration.

5. The learned Advocate contends that the post of Sarpanch was reserved for a woman candidate and it was held by the petitioner who is a woman and therefore the motion of No-confidence must be passed by a majority of not less than $3/4^{\text{th}}$ of the total number of members of the Panchayat who are entitled to sit and vote at any meeting of the panchayat. The learned Advocate contends that if the votes of three members who have voted in favour of the motion are discarded then the votes cast in favour of the motion will be 6 which is less than $3/4^{\text{th}}$ of the total strength of members of Grampanchayat. Referring to the order passed by the learned Collector, the learned Advocate contends that the said authority has erred in taking into consideration the fact that disqualification under Section 10(1-A) and Section 30(1-A) occurs by operation of law and that a specific order declaring such disqualification is not necessary. Order of disqualification under the said provision, according to him would be a declaration of an existing

fact and that the members will not incur disqualification only upon such order being passed. In other words he contends that such order will be a mere declaration of a disqualification which is already incurred.

6. Having perused provision to Section 10(1-A) and Section 30(1-A) of the Act the contention raised by the learned Advocate for the petitioner merits acceptance. If a candidate who is elected from a reserved category does not produce caste validity certificate within a period of 12 months, his election is deemed to have been terminated retrospectively is specifically stipulated under the said provisions.

7. However, even if the contention of the learned Counsel for the petitioner is accepted, that will not make any difference with respect to merits of the matter. The total number of members of Grampanchyat is 11. Assuming that 3 members have incurred disqualification, the situation would be that 8 members were eligible to sit and vote in the meeting of Grampanchayat. Therefore if votes cast by the said 3 members are ignored, the situation will be that six persons have cast vote in favour of the motion. Perusal of the relevant proviso to Section 35 will indicate that since post of Sarpanch was reserved for woman candidate and was occupied by a woman Sarpanch, the motion of no confidence is required to be passed by not less than $3/4^{\text{th}}$ of the

members who are entitled to sit and vote in the meeting of Grampanchyat. The provision does not state that 3/4th of total member of the Grampanchayat must vote in favour of the motion in order to remove a Sarpanch from office on account of No-confidence. The words, 'total number of members' are qualified by the words, 'who are for the time being entitled to sit and vote in any meeting of the Panchayat'. 3/4th of 8 members will be 6 members. It is undisputed that excluding the said 3 members, 6 members have cast vote in favour of the motion. In that view of the matter, it needs to be held that motion is validly carried, even if the votes of three members are discarded.

8. In the light of above, no case for interference is made out.
9. Writ Petition stands **dismissed** with no order as to costs.

[ROHIT W. JOSHI J.]