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

45 WRIT PETITION NO. 3366 OF 2025

SHANKAR BABURAO KAVTHALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR LATUR AND
OTHERS

Mr.U.M. Maske Patil, Advocate for the petitioner.
Mr.P.D. Patil, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 10.03.2025

PC :-

01. It is case of the petitioner that he came to be elected as a Member of Grampanchayat, Nagewadi, Tal. Shirur Anantpal, Dist. Latur from open category. It is further case of the petitioner that he was elected as a Sarpanch belonging to OBC category as the post of Sarpanch was reserved for OBC cateogry person. The learned Collector by order dated 24.02.2025 held the petitioner disqualified as a Sarpanch. However, at the same time, the learned Collector has also held the petitioner disqualified to be a Member of the Village Panchayat. When the petitioner had contested election from the open seat, there was no question of cancelling the Membership. This Court, prima facie, finds that the order of the learned Collector is illegal.

02. Issue notice to the respondents, returnable on 21.04.2025. Learned AG waives service of notice for respondent Nos. 1 and 2.

03. In the meantime, there shall be stay to the impugned order only to the extent of holding the petitioner disqualified as a Member.

[KISHORE C. SANT, J.]