

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11168 OF 2025

1. Ratnabai Dhondappa Mahajan,
Age: 50 Years, Occu.: Household,
 2. Malik Babu Majwar,
Age: 37 Years, Occu.: Farming,
Both R/o.: Mangrul, Tal.-Akkalkot,
Dist. Solapur.Petitioners
- Vs.
1. State of Maharashtra,
Through Department of Panchayat Raj
And Rural Development,
Having its office at Mantralay, Mumbai.
 2. The Collector, Solapur,
Having its administrative office at
Collector Office, Saat Rasta,
Solapur, Dist.: Solapur.
 3. The Tahsildar, Akkalkot,
Having its administrative Office at
Tahsil Office, Akkalkot,
Dist. Solapur.
 4. Ashapak Saipan Mujawar,
Age: 37 Years, Occu.: Farming,
 5. Riyana Babu Barur,
Age: 42 Years, Occu.: Housewife,
 6. Sachin Ravindra Bansode,
Age: 23 Years, Occu.: Farming,
 7. Anappa Sharanappa Arabale,
Age: 53 Years, Occu.: Farming,

8. Sugalabai Ramesh Katte,
Age: 50 Years, Occu.: Housewife,
9. Shridevi Shrishail Pujari,
Age: 56 Years, Occu.: Housewife,
10. Siddhavva Rajappa Bansode,
Age: 76 Years, Occu.: Housewife,
11. Mahadev Baburao Sankad,
Age: Major, Occu.: Farming,
12. Rekha Guranna Mudagi,
Age: 38 Years, Occu.: Housewife,
13. Lalita Anappa Uadase,
Age: 34 Years, Occu.: Housewife,
Respondent No.3 to 13 all residing
At : Mangarul, Tq.: Akkalkot,Respondents

Mr. Manjunath Kakkalameli with Mr. Vinod Shejwal, for the Petitioners.

Mr. Sanjay D. Rayrikar, AGP, for the Respondent Nos.1 to 3-State.

Ms. Divya Pawar Patil with Mr. Abhijit Khot & Ms. Trupti Padekar, for the Respondent Nos.4 to 13.

CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON: 1st OCTOBER 2025

PRONOUNCED ON : 8th OCTOBER 2025

JUDGMENT :-

1. The Petitioners impugn order dated 3rd September 2025 passed by District Collector, Solapur thereby rejecting Grampanchayat Dispute No.7 of 2025, filed under Section 35(3-B) of Maharashtra Village Panchayat Act, 1958 (For Short, '**the Act**') and upholding "No

Confidence Motion” dated 24th February 2025 passed against Petitioners under Section 35 of the Act.

2. The Petitioners and Respondent Nos.4 to 13 are elected as member of Village Panchayat, Mangarul. Petitioners were elected as Sarpanch and Upsarpanch. On 17th February 2025, Respondent Nos.4 to 13 moved requisition for “No Confidence Motion”. The Tahsildar convened Special Meeting on 24th February 2025 and declared that “No Confidence Motion” is passed against Petitioners by majority 10 against 3 votes. Petitioners raised dispute under Section 35(3-B) before District Collector challenging validity of “No Confidence Motion”. However, District Collector rejected dispute.

3. Learned Advocate appearing for Petitioners submits that Respondent Nos.6, 10 and 13 were elected against the reserved seats. They failed to furnish Caste Validity Certificate as per undertaking given at the time of submission of nomination form. During the hearing of dispute, Collector had called for information as regards to status of caste validity claims submitted by Respondent Nos.6, 10 and 13 from Caste Scrutiny Committee, who informed that caste validity claims have been rejected for non-compliance of

objection under Rule 17(2) of Maharashtra Scheduled Castes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of Caste Certificate Rules, 2012 (For short, '**Rules of 2012**'). He would, therefore, urge that notice of No Confidence Motion dated 24th February 2025 as well as No Confidence Motion passed against Petitioners is invalid, as election of Respondent Nos.6, 10 and 13 is deemed to have been terminated in terms of Section 10-1A of the Act. They were not entitled to sit and vote at the meeting of panchayat.

4. Per contra, learned counsel appearing for Respondents would urge that joint petition of Sarpanch and Upsarpanch raising challenge to No Confidence Motion would not be maintainable. She would further submit that Competent Authority has not passed order of disqualification against Respondent Nos.6, 10 and 13. Petitioners had not raised any objection to validity of notice of No Confidence Motion or participation of Respondent Nos.6, 10 and 13 during Special Meeting convened for No Confidence Motion. The report called upon by District Collector from Caste Scrutiny Committee

depicts that claims for validity certificates have been dismissed for technical reason. It is not a case of invalidation of caste claim. Therefore, no interference is called for in impugned order.

5. Having considered submissions advanced by learned Advocates appearing for respective parties and after going through the record tendered into service before this Court, it can be observed that undisputedly, election of Gram Panchayat, Mangarul took place in the year 2022. The Village Panchayat constitutes of 13 members including Respondent Nos.6, 10 and 13. They were elected against the reserved seat. They had submitted an undertaking that they shall submit, within a period of 12 months from the date on which they are elected, validity certificate issued by Scrutiny Committee. They had submitted true copy of application submitted before scrutiny committee for issuance of validity certificate at the time of submission of nomination. There is no dispute that District Caste Scrutiny Committee have confirmed about rejection of caste claims under Section 17(2) of the Rules of 2012 submitted by Respondent Nos.6, 10 and 13 in the year 2022 itself.

6. In aforesaid background, it can be observed that Section 35 of

the Act provides that motion of no confidence may be moved by not less than 2/3rd of total number of members, who are at time being entitled to sit and vote at meeting of panchayat against Sarpanch or Upsarpanch after giving such notice to Tahsildar. Sub-section 3 of Section 35 of the Act contemplates that if motion is carried by majority of not less 3/4th of total number of members, who are for the time being entitled to sit and vote at any meeting of panchayat, Sarpanch or Upsarpanch, as the case may be shall stop exercising of powers. The scheme of Section 35 of the Act specifically states that motion for no confidence has to be moved by members, who are entitled to sit and vote at the meeting of panchayat. Therefore, the validity of motion of no confidence moved and passed shall depend upon existence of majority of members entitled to sit and vote at the meeting.

7. Section 10-1A of the Act have been inserted by Maharashtra amendment No.37 of 2006 with effect from 21st December 2006. It prescribes special condition for persons contesting elections from reserved seats. They are required to submit caste certificate and validity certificate at the time of submission of nomination paper. The

first proviso entitle person, who has applied to Scrutiny Committee for verification of his caste certificate before date of filing the nomination papers, who has not received certificate to submit his nomination paper subject to condition that he files true copy of application preferred by him to scrutiny committee for validity of caste or any other proof, having made such application and also an undertaking that he shall submit, within a period of 12 months from the date on which he is declared elected, the validity certificate issued by scrutiny committee. The second proviso mandates that if such person fails to produce validity certificate within a period of 12 months from the date on which he is declared elected, his election shall deemed to have been terminated retrospectively and he shall be disqualified for being a member.

8. The aforesaid scheme of the Act would show that failure to produce validity certificate within 12 months would entail 'deemed termination' of election and disqualification for being a member. It does not require any formal declaration by any authority.

9. In present case, it is not in dispute that Respondent Nos.6, 10 and 13 submitted their nomination alongwith an undertaking to

furnish validity certificate within a period of 12 months. However, their caste claims were disposed of in the year 2022 itself in terms of Rule 17(2) of Rules of 2012. In this background, their election as a member of village panchayat is deemed to have been terminated retrospectively and they have incurred a disqualification for being a member.

10. The Full Bench of this Court in case of ***Anant H. Ulahalkar & Anr. v. Chief Election Commissioner & Ors.***¹ considered the issue as to whether in case of non-submission of caste certificate within stipulated period, disqualification is automatic. The Full Bench held that the provision for requiring submission of caste certificate within a period of six months from election is mandatory and disqualification will be automatic.

11. Similar view is reiterated by the Supreme Court in case of ***Shankar s/o. Raghunath Devre (Patil) v. State of Maharashtra***² holding that requirement of submitting caste certificate is mandatory.

12. It is trite that if elected member of panchayat has failed to submit caste validity within stipulated period after his/her election

1 2017 (1) Mh.L.J. 431.

2 2019 (1) ALL MR 491 S.C.

on seat reserved for the candidate from reserved category, he/she would not be entitled to sit and vote in meeting of grampanchayat. The Nagpur Bench of this Court in case of ***Kishor Baburao Wadaskar Prasad v. The Collector, Chandrapur & Ors.***³ observed in paragraph No.6 as under:

“6. In Ganesh Sukhedo Gurule (supra), the subject matter of challenge was the passing of no-confidence motion by the Gram Panchayat. One of the members had failed to submit her caste Validity Certificate after her election. The view taken by this Court that she was not liable to be counted as a valid member while computing the requisite majority was upheld by the Honourable Supreme Court. It thus becomes clear that as the respondent No.7 failed to furnish her Validity Certificate though she was elected on a seat reserved for candidates from the Scheduled Tribe category, she was not entitled to sit and vote in the meeting of the Gram Panchayat. The requirement of Section 35(3) of the said Act is therefore not satisfied. The motion of no-confidence having been passed by only four members in its favour and two against does not amount to it being passed by 3/4th of the total number of members who are entitled to sit and vote. Hence the petitioner is not liable to be removed on the basis of that motion of no-confidence. The order passed by the Collector which is contrary to the aforesaid legal position is therefore liable to be set aside.”

3 Writ Petition No.2108 of 2019 dated 19th December 2019.

13. In light of aforesaid exposition of law, in case of No Confidence Motion against Petitioners on the basis of notice of motion signed by Respondent Nos.6, 10 and 13, the requisite 2/3rd majority cannot be said to be made out since Respondent Nos.6, 10 and 13 have already incurred disqualification. Similarly, to make 3/4th majority out of 10 persons, 8 persons should be required to vote in favour of No Confidence Motion. In present case, if three disqualified members' participation in the motion of no confidence was illegal, then the requisite majority cannot be made out.

14. In result, order passed by District Collector observing that Competent Authority has not passed any order regarding disqualification of Respondent Nos.6, 10 and 13 appears to be perverse. The District Collector ought to have allowed the dispute.

15. Accordingly, Writ Petition is allowed in terms of prayer clause (b).

(S. G. CHAPALGAONKAR, J.)