

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6025 OF 2025

Rohini Babaso Bhise

... Petitioner

V/s.

The Collector Satara & Ors.

... Respondents

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Mr. Vaibhav R. Gorgade, for petitioner.

Ms. M. S. Bane, AGP for State – Respondent Nos.1 and
2.

CORAM : AMIT BORKAR, J.

DATED : MAY 5, 2025

P.C.:

1. The present writ petition is filed by the petitioner under Article 227 of the Constitution of India. The petitioner challenges the legality and correctness of the order passed by the competent authority in relation to a *No Confidence Motion* passed against her, in her capacity as *Sarpanch* of the concerned Grampanchayat. The petitioner was elected as a member of the Grampanchayat for the term 2021 to 2026, and subsequently elected as Sarpanch.

2. It appears from the record that certain members of the Grampanchayat expressed their lack of confidence in the petitioner's conduct as Sarpanch. In accordance with the provisions of the Maharashtra Village Panchayats Act and Rules, two-thirds of the total members of the Grampanchayat submitted a

requisition to initiate proceedings for a No Confidence Motion. Acting upon this requisition, the Tehsildar issued a notice dated 31st December 2024 and scheduled a meeting to discuss the motion on 6th January 2025.

3. The record further discloses that notices of the special meeting were served upon all members of the Grampanchayat, including the petitioner, by the concerned Talathi. A report regarding such service was submitted to the Competent Authority. The meeting was accordingly held on 6th January 2025, and was attended by seven out of the nine members. The petitioner and one other member remained absent. During the said meeting, all seven present members voted in favour of the No Confidence Motion. Since the total strength of the Grampanchayat was nine, the motion thus received support of more than three-fourths of the total members, fulfilling the statutory requirement. Relying on these facts, the Collector dismissed the petitioner's dispute and upheld the No Confidence Motion.

4. 2. Learned counsel for the petitioner has argued that the ballot paper used during the voting mentions the date as 7th January 2025 instead of 6th January 2025. According to him, this discrepancy renders the voting process invalid. He has further contended that the petitioner was not served with notice of the meeting, and due to such non-service, she was unable to attend the meeting and place her explanation before the members. He submits that this has resulted in violation of her right to persuade the members against voting in favour of the motion.

5. On careful perusal of the material on record, this Court finds that the Collector has rightly relied upon the service report submitted by the Talathi. The Talathi has specifically stated in his report that the notice for the meeting dated 6th January 2025 was duly served on the petitioner. Based on this, the Collector recorded a finding that the notice was indeed served. Despite such service, the petitioner remained absent from the meeting. In view of this, the petitioner cannot now raise a grievance that her right to participate in the meeting and to persuade the members was denied.

6. It is clear from the record that out of nine elected members of the Grampanchayat, seven members were present in the special meeting and all seven voted in favour of the No Confidence Motion against the petitioner. The petitioner and one more member remained absent. Therefore, the motion was supported by more than 3/4th of the total strength of the Grampanchayat, which is the statutory requirement as per Section 35 of the Maharashtra Village Panchayats Act, 1959. This statutory requirement being fulfilled, the validity of the motion cannot be doubted.

7. As far as the petitioner's contention regarding the ballot paper bearing the date "7th January 2025" is concerned, this Court finds that such a contention is without merit. The statutory notice issued under Rule 2(3) of the Maharashtra Village Panchayats (Sarpanch and Upa-Sarpanch) Removal Rules, 2018 clearly mentions that the special meeting was scheduled on 6th January 2025. The notice was served upon all members and there is no ambiguity regarding the date of the meeting in the notice. The

ballot paper is merely an instrument for casting votes and not meant for conveying or fixing the date of meeting. Hence, the mention of an incorrect date on the ballot paper, if any, has no bearing on the validity of the meeting or the voting process.

8. A similar principle has been laid down by the Supreme Court in the case of *Birad Mal Singhvi v. Anand Purohit*, (1988) 1 SCC 602. In that case, while dealing with election law, the Hon'ble Court held that the evidentiary value of a document must be understood in light of the purpose for which the document is maintained. The Supreme Court observed that a school register is not maintained for proving date of birth in election disputes, and therefore, its evidentiary value on that point is weak. Applying the same reasoning here, the ballot paper is meant only for registering a vote, and not for declaring the date of the meeting. Therefore, any discrepancy in the date mentioned on the ballot paper cannot override the statutory notice served under Rule 2(3), which alone governs the legality of the meeting.

9. It is a well-settled principle in Panchayat law that discussion on a No Confidence Motion and voting on such motion must take place in the same meeting. The purpose of this principle is to ensure fairness and to prevent any manipulation between discussion and voting stages.

10. In the present case, the record clearly shows that both the discussion and the voting on the No Confidence Motion took place in the meeting held on 6th January 2025. Seven members were present and participated in both discussion and voting. Therefore,

the contention raised by the petitioner regarding the date on the ballot paper being 7th January 2025 is irrelevant and cannot be accepted in light of the established procedure and undisputed facts.

11. Considering that the statutory procedure has been followed in letter and spirit, and that the petitioner failed to attend the meeting despite proper notice, there is no legal infirmity in the process adopted by the authorities. The petitioner's right to participate in the meeting was not curtailed by any procedural lapse but was forfeited due to her own absence.

12. Accordingly, no interference is warranted under Article 227 of the Constitution of India. The writ petition stands dismissed. There shall be no order as to costs.

13. Pending interlocutory application(s), if any, stands disposed of.

(AMIT BORKAR, J.)