



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 4480 OF 2024

Amol Ramesh Dehankar, Aged about 40 years,
Occupation: Agriculturist,
R/o Patapangara, Tah. Ghatanji, District Yavatmal.

PETITIONER

VERSUS

1. The Divisional Commissioner,
Amravati Division, Amravati.
2. The Additional Collector, Yavatmal.
3. The Secretary, Gram Panchayat Pata Pangara,
Tah. Ghatanji, District Yavatmal.
4. Gurudev Dattarao Petkule, aged about adult,
Occupation: Agriculturist, R/o Patapangra,
Tah. Ghatanji, District Yavatmal.

RESPONDENTS

Shri A.A. Zade, Counsel for the petitioner.
Shri S.V. Narale, Assistant Government Pleader for the respondent nos.1 and 2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : SEPTEMBER 16, 2025

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. The petitioner takes an exception to the order dated 18.06.2024 passed by the Additional Commissioner, Amravati Division, Amravati and the order dated 06.02.2023 passed by the Additional Collector, Yavatmal thereby disqualifying the petitioner for the post of Member of Gram Panchayat Patapangara.

3. The petitioner was disqualified under the provisions of 14(1)(g) of the Maharashtra Village Panchayats Act, 1958 on the ground that the petitioner has availed benefit of Pradhan Mantri Awas Yojana sponsored by the Central Government and implemented through the Block Development Officer of the Panchayat Samiti.

4. The learned counsel for the petitioner submits that taking benefit of the Pradhan Mantri Awas Yojana cannot amount to incurring disqualification under Section 14(1)(g) of the Act of 1958 since the scheme is not sponsored or introduced or implemented by the Panchayat itself. By inviting attention to the Government letter dated 08.06.2023 (Annexure-G) issued to Chief Executive Officers of all the Zilla Parishads in the State of Maharashtra, it is pointed out that this letter has clarified that a Member or Sarpanch or Up-Sarpanch of Gram Panchayat does not incur disqualification under Section 14(1)(g) of the Act of 1958 merely because he is the beneficiary under the Gharkul Scheme unless such scheme is introduced by the Gram Panchayat. In view of this letter, it is submitted that the petitioner cannot be said to have incurred any disqualification.

5. It is also submitted that the controversy involved in the instant writ petition is covered by the judgment of this Court in *Nandabai Ramesh Wakude Versus Shivprasad Waman Wakude & Others* [Writ Petition No.7294 of 2014] decided on 11.03.2015 and in view of the position of law laid down therein, the impugned orders are unsustainable.

6. Opposing the writ petition, the learned Assistant Government Pleader vehemently submitted that the petitioner has not raised these contentions before the authorities and as such, the same cannot be entertained at this stage.

7. As regards the controversy involved in the matter, it is clear that the controversy is covered by the judgment in *Nandabai Ramesh Wakude* (supra). Paragraph 5 thereof is reproduced below :-

“5. The Gharkul Scheme is not the Scheme, which is sponsored or implemented by the “Panchayat”, as defined under Section 2(14) of the said Act. It is the Scheme prepared by the Social Welfare Department of the State Government. The Scheme is being implemented through the Block Development Officer of the “Panchayat Samiti”, constituted under Section 57 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, which is an independent statutory authority. The “Panchayat” of which the petitioner was the Sarpanch, is constituted under Section 10 of the Maharashtra Village Panchayats Act and not under Section 57 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. It has nothing to do with such Scheme, except to prepare the list of persons eligible to get the benefit under the Scheme, and to forward it to the Block Development Officer of the Panchayat Samiti. It is, therefore, not the work done by or under the orders passed by the “Panchayat”, as defined under Section 2(14) of the Maharashtra Village Panchayats Act. The provisions of disqualification under Section 14(1)(g) of the said Act is, therefore, not attracted. The authorities below have committed an error in holding that the petitioner is disqualified under the said provision to occupy the post of Sarpanch. The orders impugned cannot, therefore, be sustained and the same need to be quashed and set aside.”

8. A perusal of impugned orders shows that the only reason for disqualification of the petitioner is the benefit under Gharkul Scheme. In view of the letter dated 08.06.2023 issued by the Government (referred

above) and for the reasons recorded in the judgment referred above, the impugned orders are unsustainable in law and the writ petition needs to be allowed. Hence, the following order is passed:-

- I. The order dated 18.06.2024 passed by the Additional Commissioner, Amravati Division, Amravati and the order dated 06.02.2023 passed by the Additional Collector, Yavatmal are hereby quashed and set aside.
 - II. The petitioner is restored back to the post of Member of Gram Panchayat Patapangara.
9. Rule is made absolute in aforesaid terms. No costs.

(PRAFULLA S. KHUBALKAR, J.)