



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

Writ Petition No. 2175 of 2025

[Sau. Priya Rameshwar Kale ..vs.. The Additional Collector, Buldhana
and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. D. Karode, Advocate for the petitioner
Mr. H. R. Dhumale, AGP for the State

CORAM : ANIL L. PANSARE J.

DATED : 22-04-2025

Heard.

The petitioner's application, challenging no confidence motion on the ground that two members, who had voted in favour of motion, stood disqualified for having not furnished caste validity certificates within stipulated time but their votes were counted to dislodge the petitioner from the post of Sarpanch, has been rejected.

The contention is that the finding runs contrary to the judgment passed by this Court in ***Writ Petition No. 3813/2023 (Sau. Usha w/o Satish Kathole Vs. The Collector, Akola and ors.) dated 18-6-2024*** wherein the Court held in paragraph no. 10 as under :-

"10. As stated above, respondent nos. 4, 6, 7 and 8 stood disqualified, which appears to be automatic disqualification for failure of the elected members from the reserved constituencies to produce the caste validity certificate within stipulated time. Despite such a position, when it was so apparent that four members, despite being disqualified, have attended the meeting, the learned Collector, by ignoring the provisions of law as also the directions given by this Court, has passed impugned order."

It appears that respondent nos. 6 and 9 were elected in January, 2021, but failed to furnish caste validity certificates within stipulated time and further before 13-2-2025 when the meeting was held. Having not furnished caste validity certificates, these two members stood disqualified in terms of Section 10-1A of the Maharashtra Village Panchayats Act, 1958. However, they were permitted to participate to vote in the meeting.

Issue notice on petition as well as on interim relief, returnable on 6-5-2025.

In addition to usual mode, the petitioner is permitted to serve the respondents through all permissible modes including service by Speed Post and shall file affidavit of service.

Learned Assistant Government Pleader waives notice for respondent nos. 1 and 2.

(Anil L. Pansare, J.)

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