



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

WRIT PETITION NO.2175 OF 2025

(Sau. Priya Rameshwar Kale Vs. The Additional Collector, Buldhana and others)

...
Mr. Ram D.Karode, Advocate for petitioner.
Mr. A.V.Palshikar, AGP for respondent nos.1 and 2.
Mr. H.V.Dage, Advocate for respondent nos.4 to 10.
..

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 29th JULY, 2025.

FINAL ORDER

1. Heard Mr. Ram Karode, learned counsel for the petitioner, Mr. Palshikar, learned AGP for respondent nos.1 and 2 and Mr. V.G.Dhage, learned counsel for the respondent nos.4 to 10.

2. The petitioner's challenge is to the 'No Confidence Motion' passed against him in special meeting dated 13.02.2025 and the order dated 24.03.2025 passed by the Additional Collector by which the petitioner's application under Section 35 (3B) of the Maharashtra Village Panchayat Act, 1959 ("Act of 1959" for short) is rejected.

3. The petitioner was elected as Sarpanch of the Gram Panchayat, Dolarkhed, consisting of nine members and in the special meeting on 13.02.2025, 'No Confidence Motion' came to be passed against the petitioner. The petitioner's grievance is against the

qualification and eligibility of the respondent nos.6 and 9, who were members of the Gram Panchayat, to participate in the proceedings on account of their disqualification for failure to submit their caste validity certificates. The petitioner's contention is that the respondent nos.6 and 9 were disqualified and were not entitled to participate in the special meeting and 'No Confidence Motion' thus passed against the petitioner is illegal. It is submitted that the challenge raised to the no confidence motion, by way of application under Section 35 (3B) of the Act of 1959, is wrongly decided by the respondent no.1 by only observing that there is no order of disqualification against the respondent nos.6 and 9 and their participation in the meeting cannot be faulted. It is submitted that on failure of the respondent nos.6 and 9 to submit their caste validity certificates, the respondent no.1 ought to have entertained the application by setting aside 'No Confidence Motion' against the petitioner.

4. The learned AGP as well as learned counsel for the respondents, strongly opposed the Writ Petition and submitted that there is no illegality in the 'No Confidence Motion' and in absence of any order of disqualification of the respondent nos.6 and 9, their participation in the special meeting cannot be questioned.

5. It is pointed out that the respondent nos.6 – Lilabai had got validity certificate on 01.04.2022 and the respondent no.9 Arvind

had got validity certificate on 30.10.2021. The attention of the Court is invited to the Maharashtra Temporary Extension of Period for Submitting Validity Certificate Act, 2023 ("the Act" for short) particularly, Section 3 (1)(b) of the Act to contend that the respondent nos.6 and 9 cannot be said to have incurred any disqualification, in view of this provision and thus, the Writ Petition is not maintainable.

6. The controversy revolves around the disqualification of the respondent nos.6 and 9 on account of their failure to submit their caste validity certificates within the stipulated time of six months. As regards the provisions of Section 3(1) (b) referred above, the learned counsel for the petitioner submits that although the provisions of Section 3(1)(b) of the Act protected membership of the respondent nos.6 and 9 for a period of twelve months from the date of said enactment i.e. 10th July, 2023, however, the same cannot protect the action taken by the respondent nos.6 and 9 during the period when they were not having caste validity certificates. He submits that the respondent nos.6 and 9 stood disqualified and even the provisions of Section 3 (1)(b) of the Act cannot be of any assistance. In this regard, for reference, the provisions of Section 3(1)(b) of the Act is reproduced below:

3.(1) Notwithstanding anything contained in sections 10-1A and 30-1A of the Maharashtra Village Paachyats Act and Sections 12A, 42 and 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for contesting General or bye-elections to the Village Panchayats, Zilla Parishads and Panchayat Samitis which were held on or after 1st January 2021 and till the date of commencement of this Act,-....

(a).....

(b) "a person, whose election has been terminated or deemed to have been terminated or a person who is disqualified for being a member or Sarpanch of Village Panchayat, Councillor or President of Zilla Parishad or member or Chairman of Panchayat Samiti for not submitting the Validity Certificate within the period specified in sections mentioned above, shall be deemed to be and shall continue to be a member or Sarpanch of Village Panchayat, Councillor or President of Zilla Parishad or member or Chairman of Panchayat Samiti, as the case may be, and shall not be disqualified till the period of twelve months from the date of commencement of this Act for not submitting the Validity Certificate:

Provided that, if such person fails to produce the Validity Certificate within a period of twelve months from the date of commencement of this Act, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member or Sarpanch of Village Panchayat, Councillor or President of Zilla Parishad or member or Chairman of Panchayat Samiti”.

A perusal of this section shows that the disqualification of the members is saved for all purposes and the contention of the petitioner that although disqualification is saved, the action taken by

the members are not saved, cannot be accepted. As such, in the instant case the participation of respondent nos.6 and 9 in the meeting cannot be considered to be an illegality.

7. Even the order dated 24.03.2025 passed by the respondent no.1 records that there is no order of disqualification of the respondent nos.6 and 9 and, therefore, their participation in the special meeting cannot be considered to be illegal.

8. In view of the above mentioned factual and legal aspects, there is no infirmity in the impugned order dated 24.3.2025 passed by the respondent no.1. The petition is, therefore, liable to be dismissed and the same is dismissed. There shall be no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)