



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

WRIT PETITION NO 2678 OF 2025

Sau. Mangala Bhimrao Ingle

... Petitioner

Versus

The Additional Commissioner,
Amravati Division, Amravati and others .. Respondents.

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Mr.R.D.Karode, Advocate for petitioner.
Mr. N.S.Autkar, AGP for respondent nos.1 and 2.
Mr. Aniket Sawal, Adv. h/f Mr. H.R.Gadhia, Advocate for
respondent no.6.

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CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 05th AUGUST, 2025.

FINAL ORDER

1. Heard Mr. R.D.Karode, learned counsel for the petitioner, Mr. N.S.Autkar, learned AGP for the respondent nos.1 and 2 and Mr. Aniket Sawal, learned counsel for the respondent no.6.
2. The petitioner has challenged order passed by the respondent no.2- Additional Collector, Buldhana, by which the petitioner is held to be disqualified for the post of Sarpanch, Gram Panchayat, Kakoda, having incurred disqualification under Section 14 (1) (j-1) of the Maharashtra Village Panchayat Act, 1959. The petitioner has also raised challenge to the order passed by the Additional Commissioner upholding the order of the

disqualification and rejecting the appeal filed by the petitioner.

3. The petitioner was elected as Sarpanch of the Gram Panchayat Kakoda in the year 2022 and the respondent no.6 filed a complaint before the respondent no.2- Additional Collector alleging that the petitioner had incurred disqualification Section 14 (1) (j-1) of the Maharashtra Village Panchayat Act, 1959, on account of having three issues after the cut off date. Based on this complaint, proceedings were initiated before the respondent no.2 and by order dated 14.10.2024 the petitioner is held to be disqualified. The petitioner's challenge to this order by an appeal under Section 16(2) of the Act before the respondent no.1-Additional Commissioner, also came to be rejected by order dated 25.4.2025 and resultantly the petitioner's disqualification is upheld.

4. Advocate Karode for the petitioner submits that the impugned orders are unsustainable, since there is no conclusive record about birth of third child to be that of the petitioner. He submitted that the document of birth certificate of third child - Ku. Pari Bhimrao Ingle cannot be relied upon since the same is issued by the Competent Authority of Gram Panchayat, Hiwarkhed, which is not the place of residence of the petitioner. He, therefore, submitted that the complainant failed to prove that this birth certificate is of a daughter born to the petitioner. Further he submitted that the petitioner is entitled for cross-examining the officials of Gram Panchayat, Hiwarkhed to prove that the document is not of the petitioner's daughter. He thus submitted that there was no evidence to establish birth of third child born to the petitioner and the impugned orders of disqualification are thus unsustainable.

5. Opposing the Writ Petition, counsel for the respondents, submitted that there are ample documents in the nature of birth certificates of three children born to the petitioner. Even the document of birth certificate dated 18.5.2024 about birth of third child - Ku. Paridhi Bhimrao Ingle is not challenged by the petitioner and in view of the ample evidence on record, the petitioner has incurred disqualification. It is submitted that the birth certificate of third child is issued by the Competent Authority at Gram Panchayat, Hiwarkhed, which is place of residence of the petitioner's mother where the child was born. As such only because the certificate is issued by Gram Panchayat, Hiwarkhed and in absence of challenge to the certificate, the petitioner's contention are baseless. It is also submitted that the petitioner has earlier cross-examined the officials of the Secretary of the Gram Panchayat, Kakode and Head Master of Bapusaheb Deshmukh school, in her attempt to disprove the documents of other two children, however, nothing was elucidated during the cross-examination. As such the insistence for cross-examining the officials of Gram Panchayat, Hiwarkhed, is only an attempt to protract the proceedings. It is submitted that the respondent nos.1 and the respondent no.2 have given due consideration to all the relevant aspects and the concurrent findings of these authorities need no interference. Advocate Sawal for the respondent no.6 has relied upon the judgment in the matter of ***Suresh Vs. State of Maharashtra and another (2024 SCC Online Bom 3155)*** and submitted that the birth certificate issued by Gram Panchayat is public document and it has presumptive value. It is submitted that in view of the this,

the birth certificate of third child cannot be ignored.

6. The controversy involved in the matter is about disqualification of the petitioner for having three children born beyond cut off date. It has to be seen that there is no challenge to the birth certificate dated 21.05.2014 showing birth of Ku.Paridhi Bhimrao Ingle on 18.05.2014. The petitioner's contention is that this birth certificate is not of the child born to the petitioner, is not acceptable, in view of the fact that the birth certificate mentions the name of the petitioner as mother and her husband as father. Apart from this, the said document is not challenged by the petitioner and it being a public document cannot be discarded only on the basis of bare averments of the petitioner. It has to be noted that the petitioner has cross-examined the Secretary of Gram Panchayat, Kakoda and the Head Master of the school to somehow distance herself from the documents of the other two children, however, the petitioner failed to establish anything to disown those documents. The request for cross-examining the Secretary of Gram Panchayat, Hiwarkhed, to distance itself from the birth certificate of Ku Paridhi Bhimrao Ingle is thus an attempt to somehow prolong the proceedings. In any case, the birth certificate having been issued by the Competent Authority carries a presumptive value and cannot be discarded only on the basis of bare averments. In this regard, reliance placed by the counsel for the respondents on the judgment in the matter of *Suresh Vs. State of Maharashtra (supra)* appears to be appropriate.

7. A perusal of the impugned orders passed by the Additional

Collector and the Additional Commissioner shows that the Authorities have given due consideration to the relevant aspects and by considering the documentary evidence in the nature of birth certificates of three children, the inferences are rightly drawn that the petitioner has incurred disqualification under Section 14 (1) (j-1) of the Maharashtra Village Panchayat Act, 1959. There is no need to interfere with the impugned orders.

8. In view of the factual and legal aspects mentioned above, no interference is called for in the impugned orders. The petition, therefore, deserves to be dismissed and the same is dismissed. There shall be no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Mukund Ambulkar