



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

WRIT PETITION NO.3296 OF 2025

Moh. Laik Moh.Hafij Ansari

.. Petitioner.

Versus

The Additional Commissioner, Nagpur Division,
Nagpur and others

.. Respondents.

...

Mr.B.S.Dhandale, Advocate for petitioner.

Ms. P.C.Bawankule, AGP for respondent nos.1 and 2.

None for respondent nos.3 to 5.

Mr.G.G.Mishra, Advocate for respondent no.6.

Mr. S.S.Sanyal, Advocate for respondent no.7.

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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 14th AUGUST 2025.

FINAL O RDER :

1. Heard Mr.B.S.Dhandale, learned counsel for petitioner, Ms. P.C.Bawankule, learned AGP for respondent nos.1 and 2, Mr. G.G.Mishra, learned counsel for the respondent no.6 and Mr. S.S.Sanyal, learned counsel for respondent no.7.

2. The petitioner has invoked jurisdiction of this Court under Article 227 of the Constitution of India, for challenging the concurrent findings rendered by the respondent nos.1 and 2 about disqualification of the petitioner for the post of Member of Gram Panchayat, Walni, Tahsil Saoner, District-Nagpur, having incurred disqualification under Section 14 (1)(j-1) of

the Maharashtra Village Panchayats Act, 1959 (hereinafter referred as “the Act”).

3. The petitioner was elected as Up-sarpanch of Gram Panchayat, Walni, and during his tenure, the respondent no.7 filed an application on 07.08.2023 under Section 16 of the Act, seeking disqualification of the petitioner, as Member of the Gram Panchayat, having incurred disqualification under Section 14 (1)(j-1) of the Act, on the ground that the petitioner had three children born beyond the period of cut-off date. Accordingly, the proceedings were initiated before the respondent no.2-Additional Collector. The petitioner participated in the proceedings before the respondent no.2 and on the basis of record made available before the respondent no.2 related to the school record, record from the Medical Officer and record from the Block Development Officer, the respondent no.2-Additional Collector rendered findings that the petitioner has incurred disqualification, in view of the birth of three children beyond the cut-off date. The petitioner challenged this order before the respondent no.1-Additional Commissioner, Nagpur, by way of an appeal under Section 16(2) of the Act. The proceedings were conducted before the respondent no.1 in which, after considering the contentions of all the parties and the record produced before it, the respondent no.1 dismissed the appeal filed by the petitioner, thereby upholding the order passed by the Additional Collector, disqualifying the

petitioner. The petitioner has challenged both these orders by way of present writ petition.

4. Mr. Dhandale, learned counsel for the petitioner, vehemently submitted that the respondent nos.1 and 2 have wrongly dealt with the issue about birth of the child by name Rida Fatma Ansari to be a child of the petitioner. He vehemently submitted that the authorities below have inferred that the girl child Rida, who was born on 14.11.2013, was the petitioner's daughter and without considering the relevant record, the authorities have wrongly inferred about the petitioner's disqualification. By inviting the attention of this Court to the document of birth certificate of Rida showing the date of birth as 14.11.2013, the learned counsel submitted that the name of mother is shown as Parvin Bano Atik Ansari and name of father is shown as Atik Ansari and as such, it is submitted that this certificate issued by the office of Gram Panchayat, Walni, on 28.02.2018 proves that the girl child Rida was the daughter of Parvin Bano Atik Ansari and Atik Ansari and not of the petitioner. He further submitted that the impugned orders are passed on the basis of some inquiry report conducted by the Sub Divisional Officer, Saoner, however, the said report was not supplied to the petitioner, and therefore, the impugned orders based on this report are unsustainable in law. He, therefore, submitted that the authorities below arrived at erroneous findings about disqualification of the petitioner on account of birth of three

children beyond cut-off date.

5. Per contra, Ms. P.C.Bawankule, learned AGP for respondent nos.1 and 2, Mr. G.G.Mishra, learned counsel for the respondent no.6 and Mr. S.S.Sanyal, learned counsel for respondent no.7 have opposed the writ petition and submitted that the authorities below have passed the impugned orders on the basis of documents available before them and no perversity is demonstrated in the impugned orders.

6. Mr. S.S.Sanyal, learned counsel for the respondent no.7, vehemently submitted that the documents filed on record in the writ petition particularly the document dated 26.11.2013 issued by the office of Registrar, Birth-death Registration, shows that a girl child Rida was born to the petitioner, since petitioner's name is mentioned as father of the girl and name of the petitioner's wife is mentioned as mother of the girl. On the basis of this document, he vehemently submitted that reliance placed by the petitioner on the birth certificate of girl issued by Gram Panchayat, Walni, is misplaced. He submitted that the birth certificate dated 28.02.2018 relied upon by the petitioner bearing Certificate no.5701870700319 is a computerized document issued by the office of Gram Panchayat, Walni, during the period when the petitioner was working as Sarpanch of the Gram Panchayat and in view of the independent document issued by the office of Registrar, Birth-deaths, the said computerized birth certificate cannot be

considered as a conclusive document. He also submitted that in response to the inquiry about the said certificate vide letter dated 26.08.2024, it was informed by the office of the Block Development Officer, Gram Panchayat, Walni that there is no record about the said certificate showing it to be issued on 28.02.2018. He, therefore, submitted that the petitioner's contention based on the said birth certificate are baseless. It is submitted that the Additional Collector as well as Additional Commissioner have passed the impugned orders on scrutiny and verification of the documents available before the authorities including the school records, revenue records and medical records and no illegality is pointed out. He also invited the attention of this Court to the certificate dated 30.08.2023 issued by the District Birth Officer, Saoner, on the basis of which the impugned orders are passed. By relying on the said certificate, he pointed out that there is record of birth of the girl child Fida Ansari born to the petitioner-Laik Ansari and his wife Roshani Laik Ansari on 14.01.2013. He submitted that the impugned orders are passed by considering all relevant records and therefore, no indulgence is warranted in this petition.

7. Rival contentions now fall for my consideration.

8. The controversy involved in the petition is about the disqualification of the petitioner under section 14 (1)(j-1) of the Act on account of birth of three children born to the petitioner beyond the cut-off

date. The grievance of the petitioner is with respect to inferences drawn by the authorities by considering the birth of child Rida Fatma Ansari to be that of the petitioner. As regards the birth of other two children viz Araslal Ansari and Kamran Ansari, there is no dispute. In this regard, the documents available on record need to be considered carefully. The petitioner has relied upon the document of birth certificate dated 28.02.2018 issued by the office of Gram Panchayat, which is a computerized document of birth certificate. Apart from this document, there is an extract of register maintained by Ekatmik Bal Vikas Seva Yojana (page 60 of the petition) showing the birth of a girl child at Sr. no.59 to the wife of the petitioner mentioning her name as Roshani. There is also a document issued by the Registrar of birth-death Registration office dated 26.11.2013 showing the birth of child on 14.11.2013 mentioning the details of name of the petitioner as father of the child and the petitioner's wife Roshani as mother of the child. In this regard, after the controversy arose before the authorities, the Taluka Health Officer, Saoner, had submitted a report dated 30.08.2023 mentioning the details of birth of the children to the petitioner, which includes details about birth of a child on 14.11.2013 to the petitioner and his wife. In the wake of these documents, the contentions of the petitioner that the child Rida is not of the petitioner needs to be considered.

9. Amongst the documents filed by the petitioner along with the writ

petition, the extract of register maintained under Ekatmik Bal Vikas Seva Yojana also shows that on 13.06.2016 birth of child was recorded and the name of mother is mentioned as Roshani, which is overwritten by mentioning the name of the mother as Parvin Bano. In view of the petitioner's contention that the girl Rida is in fact a daughter of his brother Atik Ansari, whose wife's name is Parvin Bano needs proper consideration. It is pertinent to note that on the birth certificate dated 28.02.2018 of Rida Fatma issued by the office of Gram Panchayat, the name of mother is mentioned as Parvin Bano and name of father is mentioned as Atik Ansari. As such, although the name of parents of Rida Fatma, are not of petitioner and his wife in one certificate as against the other document, the overwriting in the extract of register maintained under Ekatmik Bal Vikas Seva Yojana referred above shows that name of the wife of the petitioner as Roshani was tried to be overwritten by name of Parvin Bano. As such, it appears that the document of extract of register maintained by the authorities is not free from doubt. It is also crucial to note that the certificate issued by Registrar of birth-death Registration dated 26.11.2013 showing names of petitioner and his wife as parents is not disputed by the petitioner. The entire reliance placed by the petitioner on the birth certificate (computerized certificate) issued by the office of Gram Panchayat on 28.02.2018, since issued during the period when the petitioner himself was Sarpanch cannot therefore be considered as

conclusive document to discard the other documents.

10. On consideration of all the above mentioned documents, I am of the firm opinion that the inference of the authorities about birth of child born to the petitioner and his wife on 14.11.2013 is based on the record available before it.

11. It is pertinent to note that the report submitted by Taluka Health Officer, Saoner on 30.8.2023 is a report by an independent officer and cannot be discarded on any count. In this report, the Taluka Health Officer has categorically mentioned the details of children born to the petitioner and his wife by specifically referring to birth of a girl child born on 14.11.2013. It is pertinent to note that the Additional Collector as well as the Additional Commissioner has considered this report along with other documents while passing the impugned orders.

12. A perusal of the orders passed by the respondent nos.1 and 2 shows that the authorities have given due consideration to all the documents produced before them. There are concurrent findings of both the authorities about birth of a child born to the petitioner and his wife on 14.11.2013. The findings recorded by the both the authorities are based on material available before them. The petitioner has failed to demonstrate any perversity in the reasonings recorded by the authorities below. The contentions raised by the petitioners relying upon the document of birth certificate issued by the office

of Gram Panchayat during the period when the petitioner himself was Sarpanch, are of no assistance to discard the findings rendered by these authorities based on other relevant documents. On consideration of the reasonings mentioned in the impugned orders, no interference is warranted under Article 227 of the Constitution of India.

13. In view of the above factual and legal aspects, the writ petition deserves to be dismissed. The writ petition is dismissed. There shall be no order as to costs.

14. On pronouncement of this order, the learned counsel for the petitioner requested for granting stay to this order for enabling him to approach the Hon'ble Supreme Court.

15. Considering the fact that no interim relief opearted during pendency of the petition and in view of my conclusions recorded above disentitling the petitioner for any relief, the request made by the learned counsel for the petitioner is rejected.

(PRAFULLA S. KHUBALKAR, J.)