



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

WRIT PETITION NO.3500/2025

Jyoti Nandraj Mowade Vs. The Collector, Nagpur and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.C. Dharmadhikari, Advocate for Petitioner
Mr. A.G. Mate, AGP for Respondent Nos.1 to 3
Mr. Vinay Rathi, Advocate for Respondent Nos.6, 8 to 15

CORAM: ANIL L. PANSARE, J.

DATED : 7th JULY, 2025

1. Heard.

2. The petitioner Sarpanch has been disqualified in no confidence motion. The argument is that one of the members i.e. respondent No. 10 was disqualified for non submission of caste validity certificate and, therefore, could not have voted in the meeting.

3. The counsel for the petitioner submits that respondent No. 10 was elected as Member in the election held in December, 2022. He obtained caste validity certificate on 21.12.2023. The counsel then referred to the provisions of the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (For certain election to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2023, which provides that if the validity is obtained after 10.07.2023 and not submitted within a period of one year therefrom, the elected member shall stand disqualified automatically. The 'no confidence motion' was held on 28.04.2025. The caste validity certificate has been submitted on 02.04.2025. Thus the

caste validity certificate was submitted beyond the extended period. The effect was that the disqualification would take effect retrospectively, meaning thereby the respondent No. 10 was disqualified in December, 2022 itself. In any case, he stood automatically disqualified once he failed to submit validity in extended period and, therefore, could not have voted in April, 2025.

4. In contest with above, a specific query was made to the counsel appearing for respondent No. 10 as to whether validity was obtained in December, 2023, he sought time as he could not get instructions. He seeks further time to take instructions. Time granted.

4. Issue notice to the respondents, returnable on 04.08.2025.

5. The learned Assistant Government Pleader waives service of notice for respondent Nos.1 to 3.

6. Mr. Vinay Rathi, learned counsel waives service of notice for respondent Nos. 6, 8 to 15.

7. In the meantime, there shall be stay to the order dated 25.06.2025, passed by the respondent No.2 in Dispute No. 69/MVP 30(3B)/2024-2025.

8. Needless to say, all other orders, which stood merged in the order dated 25.06.2025 shall stand stayed.

(ANIL L. PANSARE, J.)