



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1125 OF 2024

Janabai W/o. Sambhaji Kawade,
Age: 38 Years, Occu. Agri.
R/o. Badnapur, Tq. Jintur
Dist. Parbhani.

..Petitioner

Versus

1. The State of Maharashtra,
Through its Chief Secretary.
2. The District Collector,
Parbhani.
3. Subabai W/o Nagorao Wakale,
Age: 71 years, Occu. Household.
4. Vijay S/o. Shankarrao Wakale,
Age: 35 years, Occu. Agri.
5. Ramchandra S/o Vithoba Chibhade,
Age: 55 years, Occu. Agri.
6. Meera W/o Munjaji Chibhade,
Age: 30 years, Occu. Household.
7. Indubai W/o Uttam Kawade,
Age: 65 years, Occu. Household.
8. The Gram Sevak,
Grampanchayat Badnapur,
Tq. Jintur, Dist. Parbhani.

..Respondents

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Mr. Umakant Deshmukh h/f Mr. Manjit S. Shaikh, Advocate for
Petitioner.

Mr. S. D. Ghayal, AGP for Respondent Nos.1 and 2.

Mr. D. A. Mane h/f Mr. A. R. Pawade, Advocate for Respondent
No.5.

Respondent Nos.3, 4, 6 and 7 are served.

Mr. A. S. Kawade, Advocate for Respondent No.8.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 04th MARCH, 2026.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of parties, matter is taken up for final hearing at the admission stage.
2. The petitioner impugns order dated 22.12.2023 passed by District Collector, Parbhani in Proceeding No.2023/GA/GPE-2/Case No.14, whereby petitioner has been disqualified from post of Sarpanch of Village Panchayat, Badnapur under Section 36 of Maharashtra Village Panchayat Act (for short 'MVP Act') on ground that petitioner failed to conduct monthly meetings of Village Panchayat during period from March 2023 to July 2023.
3. The respondent nos.3 to 7 initiated proceeding under Sections 7 and 36 of MVP Act seeking disqualification of petitioner from post of Sarpanch on ground that petitioner failed to conduct first Gram Sabha, so also monthly meetings from 24.02.2023 in terms of Section 7 and incurred disqualification in terms of Section 36 of MVP Act. The petitioner was served with notice of proceeding initiated before District Collector. The petitioner caused her appearance and filed a detailed reply. The District Collector after considering rival contentions, passed order of disqualification of petitioner. Hence, this Writ Petition.
4. Mr. Umakant Deshmukh, learned Advocate appearing for petitioner submits that petitioner has been directly elected as

Sarpanch in Month of December-2022. The respondent nos.3 to 7 were elected as Members of Grampanchayat from rival group. They created obstacles in conduct of monthly meetings so as to create ground for disqualification/removal of petitioner. Although petitioner complained about their conduct to Block Development Officer, no cognizance was taken. Ultimately, disqualification proceeding was moved by respondent nos.3 to 7 before District Collector. The petitioner was not served with notice containing specific charges nor she was apprised of such charges or called upon to answer charges during disqualification proceeding. He would, therefore, urge that impugned order is not sustainable in law. In support of his contentions he heavily relies upon observations of this Court in cases of *Pratibha Sanjay Hulle Vs. Additional Collector & Ors.*¹ and *Sunil Daulat Patil Vs. State of Maharashtra and Others*².

5. Per contra, Mr. Mane, learned Advocate appearing for respondent nos.3 to 7 supports impugned order. He would point out that petitioner was given sufficient opportunity of hearing before District Collector. The copy of dispute application filed by respondent nos.3 to 7 was served alongwith notice upon petitioner. She filed her detailed reply on point of charges regarding default in conduct of meetings. The District Collector after considering rival

¹ 2010 (4) Bom. C.R. 700.

² 2014 (2) Mh.L.J. 597.

submissions passed impugned order. As such, no prejudice is caused to petitioner. In support of his contentions he relies upon observations of this Court in cases of *Shobhabai W/o Devidas Chavan Vs. The State of Maharashtra and Ors.* (Writ Petition No.4807/2020 decided on 02.12.2021) and *Pralhad Bhikaji Bargaje Vs. State of Maharashtra and Ors.*³.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, only issue that arises for consideration in this Writ Petition is as to whether petitioner was duly served with charges and whether enquiry and order passed against petitioner is vitiated.

7. Mr. Deshmukh, learned Advocate appearing for petitioner invited attention of this Court to notice dated 18.08.2023 served upon petitioner in deference to dispute filed by respondent nos.3 to 7, which reads thus:-

“ग्रामपंचायत बदनापूर, ता. जितूर, जि. परभणीच्या माहे जानेवारी, २०२३ पासून ग्रामसभा व मासिक सभा झालेली नसल्याचे अर्जदार यांनी कळवून सरपंच व ग्रामसेवक यांच्याविरुद्ध कार्यवाही करण्याची विनंती केली आहे.

सबब, ग्रामपंचायत बदनापूर, ता. जितूर, जि. परभणीची माहे जानेवारी, २०२३ पासून किती ग्रामसभा व मासिक सभा झाल्या याचा अहवाल या कार्यालयास तात्काळ सादर करण्यात यावा. तसेच मासिक सभा व ग्रामसभा झाली किंवा नाही, याबाबत संबंधीत ग्रामसेवक यांच्याकडून मासिक सभा व ग्रामसभा संबंधीत अभिलेख आजच ताब्यात घेवून उद्या दिनांक १८/०८/२०२३ रोजी सकाळी ११.०० वाजता जिल्हाधिकारी कार्यालय, परभणी येथे दाखल करण्यात यावे.”

He submitted that no specification of charges to be answered are incorporated in notice. The notice sans particulars, as to which meetings have not been convened by petitioner as per law.

According to him, in absence of specific charge contained in notice, proceeding before District Collector stood vitiated. Mr. Deshmukh would place reliance on circular dated 21.11.1989 issued by Joint Secretary of Rural Development Department, Mantralaya, Maharashtra State to contend that in case of disqualification proceeding for default in conducting statutory meetings, Sarpanch must be given sufficient opportunity to explain reasons. The report to that effect shall be called from Block Development Officer. According to Mr. Deshmukh, failure to call such report would also vitiate proceeding of disqualification.

8. Perusal of record and proceeding before District Collector depicts that respondent nos.3 to 7 filed Dispute Application under Sections 7 and 36 of MVP Act. In paragraph no.3 there is specific stipulation that petitioner-Sarpanch and Gram Sevak failed to conduct monthly meeting from 24.02.2023 onwards without valid reasons. In paragraph no.5, they have specified that petitioner-Sarpanch and Gram Sevak defaulted in conduct of four monthly meetings. As such, incurred disqualification. The District Collector issued notice dated 18.08.2023, which stipulates that copy of dispute application tendered by respondent nos.3 to 7 is appended alongwith notice. The combine reading of notice dated 18.08.2023 alongwith application for disqualification would reveal that petitioner was given clear notice as to the proposed action and

grounds therefor. The petitioner filed her reply/written statement in which she pleaded in paragraph no.6 that she took all effort to conduct monthly meetings from March 2023 to July 2023. The Gram Sevak co-operated her. However, respondent nos.3 to 7 obstructed to conduct meetings. The respondent no.8-Gram Sevak filed his reply before District Collector, wherein he states that although he apprised petitioner/Sarpanch to conduct monthly meeting during period from March 2023 to July 2023 by written communication, petitioner failed to communicate him agenda of meeting. The aforesaid stipulation clearly demonstrates that petitioner defaulted in conduct of monthly meeting contemplated under Section 36 of MVP Act.

9. The petitioner has heavily relied upon observations of this Court in cases of ***Pratibha Sanjay Hulle*** and ***Sunil Daulat Patil*** and (supra), wherein this Court observed that notice issued by District Collector does not disclose charges and petitioner was handicapped in tendering her reply, as no charges were indicated in notice. However, application or complaint received by Authorities were not supplied to petitioner. In case of ***Sunil Daulat Patil*** (supra) this Court observed that petitioner therein was not served with notice containing specific charges or petitioner had no occasion to reply charges.

10. In present case, record indicates that petitioner was served with notice prescribing specific provision under Act, which attracts disqualification. The notice was accompanied by application tendered by respondent nos.3 to 7, wherein there is specific stipulation regarding default in conduct of monthly meeting from March 2023 to July 2023. The petitioner pin pointedly replied before District Collector on such allegations and stated that because of obstruction created by respondent nos.3 to 7 she could not conduct four monthly meetings for period referred. Apparently, petitioner was well aware about charges and submitted pin pointed reply answering same. No prejudice appears to have been caused to petitioner because notice does not specify default to conduct meeting for aforesaid period. The petitioner got every opportunity to defend herself on charge of not conducting monthly meetings for period from March to July 2023.

11. Similar contingency has been dealt with by this Court in case of *Shobhabai W/o Devidas Chavan* (supra) and after referring to observations made in case of *Pratibha Sanjay Hulle* (supra), this Court observed that where petitioner was served with a copy of complaint sufficiently disclosing charges and had replied to said charges, law laid down in case of *Pratibha Sanjay Hulle* (supra) would not apply. Similarly, in case of *Pralhad Bhikaji Bargaje* (supra) similar issue has been dealt with by this Court and

observed that if Sarpanch fails to give sufficient reasons for not holding meetings, he is liable to be disqualified under Section 7(1) and 36 of MVP Act. It is further observed that if subjective satisfaction of District Collector is based on sufficient material, no interference is called for. In paragraph no.12 while dealing with observations of this Court in case of ***Pratibha Sanjay Hulle*** (supra), this Court observed as under:

“12. In the case of Mangala (supra) observations are made with regard to necessity of presence of Sarpanch in the meeting which is called as per the aforesaid provision. There is no dispute over the proposition made in the said case. In the case of Pratibha (supra) it is observed that specific charges are to be informed to the person like present petitioner as the proceeding involves penal consequences like disqualification. There is no dispute over this proposition. This Court has already quoted the material involving specific allegation against the present petitioner and it cannot be said that he did not know that there is allegation against him that he did not hold the specified number of Gram Sabhas. The reply given by him itself shows that he knew as to what was the charge against him. The burden to show that there was "sufficient cause" for not holding Gram Sabha was on the Sarpanch and he failed to discharge that burden of proof.”

12. In present case, explanation tendered by petitioner for not conducting monthly meeting cannot be countenanced. The respondent no.8-Gram Sevak has specifically stated in his reply that he had given written communication to petitioner to provide agenda of meeting and conduct monthly meetings. However, she failed to take necessary steps. On other hand, petitioner alleges that respondent nos.3 to 7, who are political rivals created obstruction in conduct of meetings. She did not give particulars of

such obstructions in reply. There is no plausible explanation in her reply for not conducting four monthly meetings. As such, conclusion drawn by District Collector that petitioner incurred disqualification in terms of Sections 7 and 36 of MVP Act cannot be faulted.

13. In result, Writ Petition stands dismissed.

14. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/March-2026