



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 WRIT PETITION NO. 3246 OF 2024

NEHRU DASHRATH BANDGAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND
OTHERS

...

Mr. Devang Rajendrraa Deshmukh, learned senior Advocate i/b. Mr. Kunal A. Kale, Advocate for the Petitioner

Mrs. B. B. Gunjal, AGP for Respondent Nos.1 and 2/State

Mr. Ajinkya Reddy, Advocate for Respondent No.6

Mr. Pradeep Vikramrao Tapse Patil, Advocate for Respondent Nos.3, 5 and 10

Mr. Siddesh A. Deshmukh, Advocate for Respondent No.7

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 26.03.2026

PER COURT :-

. The petitioner is held to be disqualified under Section 36 of the Maharashtra Village Panchayats Act. The said provision mandates that the authority, i.e., the Sarpanch and, in his absence, the Upsarpanch, shall conduct regular meetings of the Village Panchayat in accordance with the applicable rules. The conduct of meetings of the Village Panchayat is governed by the provisions of the Bombay Village Panchayat Rules, 1959. Rule 3 of the said Rules reads thus:

“The Sarpanch shall convene at least one meeting of the Panchayat every month, and in his absence, the Upsarpanch shall convene such meeting.”

Thus, it is evident that at least one meeting in a month is mandatory, and in the absence of the Sarpanch, the obligation devolves upon

the Upsarpanch.

2. The petitioner came to be disqualified pursuant to a complaint instituted by respondent No.1 on the allegation that the petitioner failed to convene such meeting in the month of June 2023. In support of the complaint, the complainant relied upon certain documents obtained under the Right to Information Act.

3. The petitioner's response to the complaint was that he was on official leave during June 2023 and in his absence, the Upsarpanch had convened and conducted the meeting for the said month. However, it appears from the record that both the District Collector and the Divisional Commissioner arrived at a conclusion that there was no material on record to demonstrate that either the petitioner or the Upsarpanch had conducted the mandatory meeting in June 2023. Consequently, the petitioner has suffered disqualification under Section 36 of the Maharashtra Village Panchayats Act read with Rule 3 of the 1959 Rules.

4. Mr. Rajendraa Deshmukh, learned senior counsel instructed by Mr. Kunal A. Kale, learned counsel would invite my attention to page Nos. 66 to 68 of the writ petition compilation and submits that the record sufficiently demonstrates that the Upsarpanch had convened the meeting for June 2023 in the petitioner's absence. He further submits that the petitioner has placed material on record to show that he was on leave during the said period. Page No.66 appears to be a communication addressed by one R. B. Barve to Sakhubai Shankar Mane, Anganwadi Sevika, informing that notice of the Gram Panchayat meeting rescheduled on 27.06.2023 was sought to be served upon (1) Biru Mane, (2) Shantabai Sagat, and (3) Archana Takle and that the said persons refused to accept the notice. Learned senior counsel further relies upon page No.67 which is a meeting programme dated 21.06.2023. The said

programme is signed by the Upsarpanch namely Balaji Bapurao Lakade and Sakhubai Shankar Mane, Anganwadi Sevika. It is further contended that page Nos.68 and 69 demonstrate the attendance of members at the meetings held on 21.06.2023 and 27.06.2023. He also relies upon the proceedings of the said meetings, including the adjourned meeting dated 21.06.2023 which are placed on record from page Nos.70 to 78. It is thus submitted that the observation recorded by the District Collector as well as the Divisional Commissioner that no meeting was convened in June 2023 is factually incorrect.

5. Per contra, Mr. Ajinkya Reddy, learned counsel for respondent No.6 - complainant has raised serious objections regarding the authenticity of the aforesaid documents. The order passed by the District Collector records that no such documents were placed on record before the authority. It is submitted that the Gram Sevak is the custodian of the records of the Gram Panchayat including proceedings of meetings. respondent No.10 – the Village Development Officer/Gram Sevak – though not a party to the disqualification proceedings is the competent authority in whose custody such records vest. In view thereof, the petitioner has impleaded respondent No.10 in the present proceedings, who is represented by learned counsel Mr. Pradeep V. Tapse Patil.

6. Considering the urgency of the matter particularly in view of the election programme for the vacant posts of Sarpanch and Upsarpanch, respondent No.10 is directed to produce the original record pertaining to the monthly meetings for the month of June 2023.

7. Stand over to 27.03.2026 at 2:30 p.m.

[AJIT B. KADETHANKAR, J.]