



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

**WRIT PETITION NO.11672 OF 2025**

Nitesh s/o Shivaji Ingle,

Age:- 41 years, Occ. Agri./Social Work,

R/o. Bembli, Tq. & Dist. Dharashiv.

..Petitioner

Versus

1. The Divisional Commissioner,  
Chhatrapati Sambhajnagar Division,  
Chhatrapati Sambhajnagar.

2. The Collector,  
Dharashiv, Tq. & Dist. Dharashiv.

3. Salman s/o Sattar Shaikh,  
Age:- 29 years, Occ. Agri.,  
R/o. Bembli, Tq. & Dist. Osmanabad. ..Respondents  
(Resp. No.3 is Orig. Complainant)

...

Mr. Mahesh Deshmukh h/f Mr. S. S. Gangakhedkar, Advocate for  
Petitioner.

Mr. M. K. Goyanka, AGP for Respondent Nos.1 and 2.

Mr. S. G. Kawade, Advocate for Respondent No.3.

...

**CORAM : S. G. CHAPALGAONKAR, J.**

**RESERVED ON : 21<sup>st</sup> JANUARY, 2026.**

**PRONOUNCED ON : 30<sup>th</sup> JANUARY, 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 11.09.2025 passed by  
Divisional Commissioner, Chhatrapati Sambhajnagar in Case  
No.2025/Gram Panchayat/Appeal-2/CR-60, thereby upholding  
order dated 15.07.2025 passed by District Collector in File

No.2021/GA/GPE/Ka-1/Kavi-379, whereby petitioner has been disqualified being member of Village Panchayat under Section 14(J-1) r/w. 16(2) of Maharashtra Village Panchayat Act, 1958 (for short 'MVP Act').

3. On 15.01.2021, petitioner is elected as member of Village Panchayat, Bembli, Tq. and Dist. Dharashiv. Later on, he was elected as Upsarpanch. The respondent no.3 initiated proceeding for disqualification of petitioner in terms of Section 14(1)(J-2) r/w. 16(2) of MVP Act before District Collector, Dharashiv. It is alleged that petitioner has more than two children born after cut off date. It is pleaded that petitioner has daughter namely Shreya Nitesh Ingle and two sons namely Harsh Nitesh Ingle and Raj Nitesh Ingle. All of them are students. The District Collector caused enquiry into matter and finally concluded that petitioner incurred disqualification. The petitioner assailed aforesaid order before Divisional Commissioner at Chhatrapati Sambhajnagar, who pleased to uphold order of disqualification passed by District Collector.

4. Mr. Mahesh Deshmukh, learned Advocate appearing for petitioner submits that order of disqualification passed by respondents/authorities is without appreciation of evidence on record in its proper perspective. The findings recorded by them is inconsistent with documentary evidence on record and in ignorance

with well settled position of law. In support of his contentions he relies upon observations of this Court in cases of *Vasudha Gorakhnath Mandvilkar Vs. City and Industrial Development Corporation*<sup>1</sup> and *Meerabai Suresh Bhil Vs. State of Maharashtra and others*<sup>2</sup>.

5. Per contra, Mr. Kawade, learned Advocate appearing for respondent no.3 and Mr. Goyanka, learned AGP appearing for respondent nos.1 and 2 supports impugned order of disqualification.

6. Having considered submissions advanced by learned Advocates appearing for respective parties and perusal of record would show that respondent no.3 came with specific case that petitioner has three children born after 12.02.2001 and as such, he incurred disqualification in terms of Sections 14(1) (J-1) of MVP Act. The petitioner had declared that he had only two children as on date of nomination namely Shreya Nitesh Ingle born on 07.08.2006 and Harsh Nitesh Ingle born on 11.05.2008. He specifically denies paternity of third child namely Raj Nitesh Ingle born on 05.11.2009. The District Collector while upholding disqualification of petitioner relied upon school record of children of petitioner, who are taking their education at Poddar International School, Dharashiv. The District Collector observed that school

---

<sup>1</sup> 2008 (5) Bom CR 417.

<sup>2</sup> 2013 (3) ALL MR 569.

record of all three children shows father's name as Nitesh Shivaji Ingle and mother's name as Vidya Nitesh Ingle. Copies of Aadhar Cards are appended to school admission form. The Aadhar Cards of their parents are also formed part of school admission record. One more document has been relied upon by District Collector, namely, communication issued by Headmaster of Poddar International School dated 10.07.2025, which suggests that in school records of Shreya, a change in mother's name was made at request of parents. Initially, it was Sanjana, however, it has been changed to Vidya.

7. The Divisional Commissioner while confirming order of disqualification passed by District Collector again relied upon school admission record in respect of three children of petitioner alongwith Aadhar Cards appended thereto. The petitioner could not explain as to how his Aadhar Card is appended to admission form of all three children. The reply filed by petitioner before District Collector shows that he accepted that Shreya Nitesh Ingle born on 07.08.2006 and Harsh Nitesh Ingle born on 11.05.2008 are his children. However, he denies paternity of third child namely Raj Nitesh Ingle. The record of Greenland English Medium Primary School depicts that father's name is mentioned as Ingle Nitesh Subhash and mother's name is mentioned as Sanjana, but general school admission register of Greenland School depicts that

at the time of admission of Raj, his mother's name was recorded as Vidya. Later on, it has been erased and replaced as Sanjana. The Headmaster of school explained that aforesaid correction was carried on request of parents. Apparently, petitioner is trying to disown his child and attempted to manipulate school record to hide identity of child.

8. Mr. Deshmukh, learned Advocate appearing for petitioner relied upon observations of this Court in case of ***Vasudha Gorakhnath Mandvilkar*** (supra), wherein it has been observed that general register regarding school admission would be private document and would not carry presumption in law. Unless such record is accompanied by documentary evidence to substantiate date of birth of student, it cannot be relied as proof of date of birth. Essentially, in that case there was dispute regarding change of date of birth of petitioner entered in school record. In that background, this Court observed that school record, unless supported by authentic public record regarding date of birth, does not carry probative value. Apparently, such observations are in a different context. In present case, dispute is not with regard to date of birth, but pertains to identity of child. Second judgment in case of ***Meerabai Suresh Bhill*** (supra) relates to acceptance of certificate issued by Anganwadi Sevika. Such is not case here.

9. In case of *Bharat Vitthal Shete Vs. Rohidas Manaji and others*<sup>3</sup>, this Court relying upon observations of Supreme Court in case of *Sushil Kumar Vs. Rakesh Kumar*<sup>4</sup> observed that in absence of evidence to show that date of birth was recorded at the instance of responsible person, certificate issued by Municipal Council cannot be accepted as gospel truth.

10. Apparently, all three judgments relied on behalf of petitioner are distinguishable on facts. In present case it can be observed that admissions of all three children of petitioner were secured in Poddar International School. Their admission forms are supported by Aadhar Card of petitioner being parent. The petitioner could not controvert aforesaid evidence by bringing evidence in rebuttal. Both Authorities on appreciation of material on record have accepted that petitioner has three children. In this background, findings of fact recorded by both Authorities need not be interfered in exercise of Writ jurisdiction.

11. In result, Writ Petition stands dismissed.

12. Rule stands discharged.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**