

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.700 OF 2026

Shital w/o Balbhim Gaykwad,
Age: 37 Years, Occu.: Social Work/Sarpanch,
R/o : Gangapur, Tal. & Dist. Latur.

..Petitioner

VERSUS

1. The State of Maharashtra
Through District Collector,
Collector Office, Latur.
2. The Tahsildar,
Tahil Office, Latur, Tq. & Dist. Latur.
3. The Block Development Officer,
Panchayat Samiti Latur, Tq. & Dist. Latur.
4. Asha Bibhishan Shinde,
Age: 46 Years, Occu: Household/Up-Sarpanch,
5. Satish Shivharappa Kanade,
Age: 52 Years, Occu: Agri/ Member,
6. Tanaji Janardhan Phutane,
Age: 51 Years, Occu: Agri/ Member,
7. Kiran Nagorao Shinde,
Age: 56 Years, Occu: Agri/ Member,
8. Rajabhau Maruti Pawar,
Age: 36 Years, Occu: Agri/ Member,
9. Asha Vyankat Raut,
Age: 50 Years, Occu: Household / Member,
10. Minaj Mehboob Shaikh,
Age: 49 Years, Occu: Household / Member,
11. Pushpanjali Balaram Bhuse,
Age: 49 Years, Occu: Household / Member,
12. Ruksanbee Hanif Shaikh,
Age: 47 Years, Occu: Household / Member,
13. Chandrakala Rahul Shelar,
Age: 36 Years, Occu: Household/Member,

14. Sarita Babu Bansode,
Age: 45 Years, Occu: Household / Member,
15. Babu s/o Hanmant Khandade,
Age: 50 Years, Occu: Business/Member,
16. Pralhad Bhagwan Gaikwad,
Age: 50 Years, Occu: Labour/ Member,
All R/o: Gangapur, Tq. & Dist. Latur. ..Respondents

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Mr. V.P. Savant, Advocate for petitioner.

Mr. N.P. Patil Jamalpurkar, Advocate for Respondent No.1 (through V.C.).

Mr. R.P. Cheble, Advocate for Respondent Nos.15 & 16.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 30, 2026

FINAL ORDER :-

1. The petitioner impugns order dated 11.12.2025 passed by District Collector, Latur in File No.2025/GPN/CR-09, thereby upholding no confidence motion passed against petitioner under Section 35 of Maharashtra Village Panchayat Act.

2. The petitioner was directly elected as Sarpanch of Gangapur Village Panchayat. Respondent nos.4 to 16 were members of Village Panchayat. All of them are elected in general election held in month of December 2022. Respondent nos.4 to 13 moved no confidence motion against petitioner. Accordingly, on 24.02.2025, a special meeting was convened by respondent no.2 and finally he declared that no confidence motion is passed. The petitioner raised challenge to same by filing appeal before learned District Collector, which came to be dismissed on 18.02.2025. Hence, this petition.

3. Mr. V.P. Savant, learned advocate appearing for petitioner submits that notice of no confidence motion was moved by respondent nos.2 to 14. However, 5 members were disqualified as on date of requisition of no confidence motion as they had failed to furnish caste validity certificates being elected from reserved post. According to Mr. Savant, disqualification under Section 10-1A being automatic, no formal declaration was required. The respondent no.2/Tahsildar could not have entertained requisition without inquiring into validity of membership of members who have signed requisition for no confidence motion. He submits that previously notice of no confidence motion was challenged by petitioner in Writ Petition No.2706 of 2025. However, same was rejected as not maintainable. The petitioner challenged order of this Court by filing Petition for Special Leave to Appeal (C) No.11970 of 2025 before Hon'ble Supreme Court, but it was dismissed observing that it shall be open for petitioner to challenge legality and validity of proceedings in accordance with rules and regulations before competent authority, in case motion of no confidence is passed. In light of aforesaid liberty, he raised challenge to order impugned in present writ petition on aforesaid count.

4. Per contra, Mr. N.P. Patil Jamalpurkar, learned advocate appearing for respondent nos.1 to 11 and Mr. R.P. Cheble, learned advocate appearing for respondent nos.15 and 16 supports impugned

order. They would submit that although, 5 members out of 11, who signed requisition in no confidence motion were elected from reserved category, they were never declared as disqualified. The State Government had extended period for submission of validity certificate. Even as on today, 4 members out of 5 are valid members of Village Panchayat since date of their election.

5. Mr. N.P. Patil Jamalpurkar, learned advocate appearing for respondent nos.1 to 11 submits that except one elected member from reserved category, all members are valid members of Village Panchayat. Therefore, no fault can be found with no confidence motion. Mr. Jamalpurkar would further submit that while deciding Writ Petition No.2706 of 2025, this Court categorically observed in para 12 that Tahsildar has no authority to enter into question of qualification or disqualification of members while acting on notice of motion for no confidence. Therefore, petitioner cannot re-agitate same issue by filing present writ petition.

6. Having considered submissions advanced by learned advocates appearing for respective parties, it can be observed that Village Panchayat, Gangapur consist of 13 members and 1 Sarpanch. 11 members of Village Panchayat had moved motion for confidence motion against petitioner. Eventually, special meeting was convened on 14.05.2025 at 02.00 pm. The petitioner was present in meeting

and after discussion, no confidence motion has been passed by majority of 11 : 3.

7. The petitioner's contention that 5 members who had signed requisition for no confidence or voted against him were disqualified in terms of Section 10-1A of Maharashtra Village Panchayat Act, as they had failed to furnish validity certificate of their election from reserved seat. It is true that Section 10-1A mandates every person who submits nomination for contesting election to reserved seat for Scheduled Castes, Scheduled Tribes or Backward Class shall furnish caste certificate issued by competent authority and validity certificate issued by Scrutiny Committee. The proviso contemplates that a person, who applied to the Scrutiny Committee for verification of his caste certificate before date of filing of nomination papers but who has not received validity certificate on the date of filing of nomination papers shall submit along with nomination papers, a true copy of application preferred by him to Scrutiny Committee for issuance of validity certificate or any other proof of having made such application to the Scrutiny Committee; and an undertaking that he shall submit, within a period of six months from date of declaration of election, validity certificate issued by the Scrutiny Committee. It further provides that if such person fails to produce validity certificate within a period of six months from

date of election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member.

8. However, in present case, there is nothing to show that elected members on reserved post have either failed to furnish caste validity certificate within a period stipulated in statute or extended period by State Government under various notifications issued time to time. It is discernible from record that except one member, all candidates elected from reserved seat are continued as members of Village Panchayat. It appears that they have furnished caste validity certificates within extended period and continued as members of Village Panchayat without obstruction.

9. Even for sake of arguments, it is considered that on date of submission of requisition for no confidence motion, 5 out of 13 members were disqualified. There would be only 8 valid members who are entitled to sit and vote at panchayat. The no confidence motion was moved by 11 members. Out of them, 6 members were elected from general category. Therefore, if number of valid members who moved no confidence motion and voted against petitioner is considered, still no confidence motion can be said to be passed by majority.

10. Mr. Savant, learned advocate appearing for petitioner placed his reliance on observations of this Court in case of Yogesh Sarjerao Bansode Vs. The Collector Pune and Ors in Writ Petition

No.3504 of 2024 decided on 02.12.2024, wherein this Court observed that Collector was required to take into consideration the material placed on record at the time of adjudicating Grampanchayat Dispute and delve into objection raised by petitioner by calling report from Tahsildar in order to verify whether caste validity certificates were infact submitted by six members entitling them to sit and vote at no confidence motion meeting. In present case, a report from Tahsildar was called by Collector in this regard. Even otherwise, it is matter of record that in light of Ordinance of 2025, elected candidates of Village Panchayat after 01.08.2022 to 30.04.2025 were granted protection from disqualification for non-submission of caste validity certificates for a period of 12 months from 30.04.2025.

11. In result, this Court finds no merit in writ petition. Hence, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)