

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 226 OF 2026

1. Sunil Narayan Abdagire
Age: 43 years, Occu.: Agriculture
2. Sachin Shankarrao Kokare
Age: 42 years, Occu.: Agriculture
3. Hanumant Prahlad Bhosle
Age: 46 years, Occu.: Agriculture
4. Sushant Namdeo Jagtap
Age: 30 years, Occu.: Agriculture
5. Gauri Kishor Jadhav
Age: 26 years, Occu.: Agriculture
6. Sheela Sachin Waghmare
Age: 29 years, Occu.: Agriculture
7. Rani Ashok Abhang
Age: 45 years, Occu.: Agriculture
8. Mrs. Shubhangi Vilas Kalukhe
Age: 29 years, Occu.: Agriculture
All R/o.: At Post: Vidani, Tal.: Phaltan,
Dist.: Satara.

....Petitioners

Versus

1. Sagar Kantilal Abhang
Age: Adult, Occu.: Agriculture
R/o.: At Post: Vidani, Tal.: Phaltan,
Dist.: Satara
2. State of Maharashtra
Through its Chief Secretary
Rural Development and Panchayati
Raj Department, having Office at
Mantralaya, Mumbai – 400 032

....Respondents

Mr. V. S. Talkute i/b Mr. Pradeep Salgar a/w Ms. Vaishnavi Shelar,
Advocates for Petitioners;
Mr. Harsh Arun Khot a/w. Mr. Nitin Nikam and Ms. Rohinee S.
Yadav, Advocates for Respondent No.1;
Mr. Sanjay D. Rayrikar, AGP for Respondent No.2/State;

CORAM : SACHIN S. DESHMUKH, J.

Date : 10th April, 2026

JUDGMENT :-

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.
2. The petitioners, the elected members of a Gram Panchayat, have assailed their disqualification under Section 39 of the Maharashtra Village Panchayat Act. Disqualification originated from decision to pass a resolution forbearing a Gramsevak, holding temporary charge of the Gram Panchayat, at the time of complaint.
3. Preceding the resolution, the Chief Executive Officer (CEO) of the Zilla Parishad conducted a inquiry and submitted a detailed report documenting the petitioners' actions. On the basis of this report, the Divisional Commissioner rendered order for their disqualification, a decision that was later upheld by the concerned Department Minister upon dismissal of appeal. The petitioners have filled this petition before this Court under Article 227 of the

Constitution of India to set aside these orders. Their primary defence is that the resolution was passed out of administrative necessity, as the Gram Panchayat had suffered from a lack of a permanent Gramsevak for a substantial period.

4. While the petitioners admit to passing the resolution forbearing the Gramsevak, however, contend it was a justified action to ensure the administrative vacancy is regularly filled in. The consequence of this act was the impairing of the Gramsevak's duties as the Drawing and Disbursing Officer, a role which requires a joint signature with the Sarpanch to facilitate Panchayat finances and several other administrative functions.

5. The learned counsel for the petitioners submitted that the resolution to forbear the Gramsevak ought not to be regarded an act of wilful misconduct, but rather a measure born out of administrative frustration and ensure regular appointment. It was emphasized that the Gram Panchayat had been deprived of a regular Gramsevak for a substantial period, despite successive and repeated requests for a regular appointment. The petitioners admit to the passing of the said resolution, however, this act must be viewed in the context of this persistent administrative *adhocism*. The petitioners maintain that their actions were a justified attempt

to highlight the operational difficulties faced by the Panchayat in the absence of regular staff. In the process, the learned counsel for petitioners relied upon following judgments :-

- (a) **Shrikant Vs. State of Maharashtra and Others [2010(4) Mh. L. J. 856]**
- (b) **Tarlochan Dev Sharma Vs. State of Punjab and Ors. (AIR 2001 SC 2524)**
- (c) **Ravi Yashwant Bhoir Vs. District Collector, Raigad and Ors. [2012(2) ALL MR 962]**

6. Per contra, the learned AGP and learned counsel for respondent No. 1 supported the impugned order and prayed for the dismissal of the petition. It is further submitted that the concerned Authority appropriately considered the petitioners' conduct, in coherence to the letter and spirit of the statutory provisions and the report. Consequently, prayed that the matter does not warrant consideration.

7. Having heard the learned counsel for the litigating sides and perused the material on record, it is evident that the petitioners' act of passing a resolution to forbear the Gramsevak from signing and operating the joint account has certainly paralyzed the administration of the Gram Panchayat. Such an act is counter-productive and far from conducive to good administration. As elected members, the petitioners are under an obligation to ensure

the smooth functioning of the Gram Panchayat's affairs. While there may be room for debate regarding earlier decisions, the act of barring the Gramsevak is an obstructive measure that regarding same as misconduct attracting the provisions of Section 39 of the Maharashtra Village Panchayats Act.

8. The term 'misconduct' has been elaborately discussed. In the case of ***Rajendra Radhakishan Raut Versus State of Maharashtra, AIR OnLine 2022 Bombay 1024***, the Co-ordinate Bench of this Court, in paragraph No.27, has discussed the term 'misconduct'. The word "misconduct" has to be understood as transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior. The word "misconduct" in normal parlance is understood as unacceptable and improper behavior or mismanagement, especially culpable neglect of duties.

9. The Webster's dictionary defines the word "misconduct" as deliberate violation of law or standard, especially by the government official, willful in character.

Misconduct in office has been defined as: "Any unlawful behavior by a public officer in relation to the duties of his office, willful in character. Term embraces acts which the office holder had

no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act."

10. In the case of **Ankush Achyutrao Raut Versus State of Maharashtra, AIR OnLine 2021 Bombay 1963**, the Co-ordinate Bench of this Court reiterated the definition of term "misconduct" from Black's Law dictionary, 6th Edition and "misconduct in office". However, in paragraph No.11, it has been observed that the definition of "misconduct" reproduced above, sounds and implies a wrongful intention and it being, relative term, it is to be construed with reference to the subject matter. It literally means, wrong conduct or improper conduct or transgression of some established and definite rule of action. Thus, expression "misconduct" being used in Section 39(1) of the Act is to be understood to mean an act which must be willful in character and not a negligence or carelessness. In the facts of the case, it has been observed that at the most the act of Panchayat would be an act, "forbidden by law".

11. The attempt of the petitioners to defend their act of forbearing the Gramsevak, an officer whose signature is essential rather required for every administrative actions, constitutes clear misconduct and a disgraceful act that cannot be countenanced. Consequently, the judgments relied upon by the learned counsel for petitioners are of no avail in the facts and circumstances of the

present case. In my considered view, the Authorities, acting upon the report of the Chief Executive Officer, have evaluated these aspects in the proper perspective. Much less in letter and spirit of the statutory provision. Consequently, the findings do not warrant any interference.

12. While Section 39(b) of the Act prescribes a time frame for the disposal of appeals, the petitioners have failed to establish that this provision is mandatory. A breach of such a timeline does not *per se* render an appellate order void, nor demonstrate a prejudice, mere delay does not vitiate the adjudication. Considering that the Appellate Authority has decided the matter on its merits vide order dated 18.11.2025 and the petitioners have failed to prove any irreparable injury caused by the lapse of time, the contention that the order is jurisdictionally unsustainable solely due to delay is unsustainable.

13. In light of the above, the writ petition is devoid of merit and is, accordingly, **dismissed**.

14. Rule stands **discharged**.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi