



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3500 OF 2025

Jyoti Nandraj Mowade, Age: 45 Years, Occ: Farmer,
R/o At Post Gaimukh Nanda, Nagpur – 441107.

PETITIONER

VERSUS

1. The Collector, Nagpur.
2. The Additional Collector, Nagpur.
3. The Tahsildar, Saoner, Dist. Nagpur.
4. Gram Panchayat, Nandagaumukh, through its Secretary having office at Village Panchayat Office, Nanda Gaumukh, Tq. Saoner, District Nagpur.
5. Madhav Mukundrao Bavankar, Aged 60, R/o At Post Nanda Gaimukh, Tq. Saoner, Nagpur-441107.
6. Ajay Wasudeo Dakhole, Aged 49, R/o At Post Nanda Gaimukh, Tq. Saoner, District – Nagpur – 441107.
7. Varsha Vijay Kodape, Aged 50, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur – 441107.
8. Ranjana Prushotam Derkar, Aged 46, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
9. Roshan Madhukar Milmlile, Aged 35, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
10. Gaurav Sadashiv Uikey, Aged 39, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
11. Pramod Mulidhar Chandekar, Aged 56, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
12. Kiran Yogesh Thombare, Aged 51, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
13. Sunita Pramod Ghondhole, Aged 43, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
14. Vanita Wasudeo Devalkar, Aged 52, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
15. Ashwini Mahendra Milmlile, Age: 43, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.

RESPONDENTS

WITH

WRIT PETITION NO. 3502 OF 2025

Madhav Mukundrao Bavankar, Age: 60 Years,
R/o At Post Nanda Gaimukh, Taluka Saoner,
District Nagpur – 441107.

PETITIONER

VERSUS

1. The Collector, Nagpur.
2. The Additional Collector, Nagpur.
3. The Tahsildar, Saoner, Dist. Nagpur.
4. Gram Panchayat, Nandagaumukh, through its Secretary having office at Village Panchayat Office, Nanda Gaumukh, Tq. Saoner, District Nagpur.
5. Jyoti Nandraj Mowade, Aged 45, Occ: Farmer, R/o AT Post Gaimukh Nanda, Nagpur-441107.
6. Ajay Wasudeo Dakhole, Aged 49, R/o At Post Nanda Gaimukh, Tq. Saoner, District – Nagpur – 441107.
7. Varsha Vijay Kodape, Aged 50, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur – 441107.
8. Ranjana Prushotam Derkar, Aged 46, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
9. Roshan Madhukar Milmlile, Aged 35, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
10. Gaurav Sadashiv Uikey, Aged 39, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
11. Pramod Mulidhar Chandekar, Aged 56, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
12. Kiran Yogesh Thombare, Aged 51, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
13. Sunita Pramod Ghondhole, Aged 43, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
14. Vanita Wasudeo Devalkar, Aged 52, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.
15. Ashwini Mahendra Milmlile, Age: 43, R/o At Post Nanda Gaimukh, Tq. Saoner, District Nagpur-441107.

RESPONDENTS

Shri A.C. Dharmadhikari and Shri T.S. Kene, counsel for the petitioner.
Shri H.D. Dube, Assistant Government Pleader for the respondent nos.1 to 3.
Shri V.B. Rathi, counsel for the respondent nos.6, 8 to 15.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE ON WHICH ARGUMENTS WERE HEARD : DECEMBER 15, 2025

DATE ON WHICH JUDGMENT IS PRONOUNCED : MARCH 10, 2026

JUDGMENT

RULE. Rule made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioners challenged the motion of no confidence dated 28.04.2025 passed against them in the special meeting of Gram Panchayat and the order dated 25.06.2025 passed by the Additional Collector, Nagpur upholding the no confidence motion, as a result of which the petitioner in Writ Petition no.3500 of 2025 Jyoti Nandraj Mowade is removed from the post of Sarpanch and the petitioner in Writ Petition no.3502 of 2025 is removed from the post of Upa-Sarpanch of Gram Panchayat, Nanda Gomukh, Tahsil Saoner, District Nagpur. Since the controversy involved in both these petitions is identical and since the counsels representing the contesting parties are same and have advanced same arguments in both the petitions, these two petitions are decided by this common judgment.

3. The petitioners were elected as Sarpanch and Upa-Sarpanch of Gram Panchayat Nanda Gomukh in the elections held in December-2022 for a period of five years. On 22.04.2025, the respondent nos.6 to 15 moved a requisition of no confidence and accordingly a special meeting was held on 28.04.2025 in which nine members voted in favour of the motion and it was passed by 3/4th majority of the members. In the meeting of Gram Sabha held at the instance of Block Development Officer the no confidence motion was later on ratified. Feeling aggrieved by the

motion of no confidence, immediately on next day i.e. on 29.04.2025, the petitioners filed a dispute under Section 35(3B) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act of 1959') before the respondent no.2-Additional Collector, Nagpur, which came to be rejected by order dated 25.06.2025. The petitioners have challenged the motion of no confidence dated 28.04.2025 and the order dated 25.06.2025 passed by the respondent no.2, by way of instant petition.

4. Shri A.C. Dharmadhikari, learned counsel for the petitioners while assailing the impugned orders primarily submitted that the motion of no confidence against the petitioners was invalid since the respondent no.10 who had participated in the meeting as Member of Gram Panchayat was already disqualified for non-submission of his caste validity certificate and he could not have voted in the meeting. He submitted that the respondent no.10 was elected as Member from the reserved category and failed to submit his caste validity certificate within a period of one year from the date of election and thus he stood automatically disqualified. He submitted that the respondent no.10 although had submitted the caste validity certificate on 02.04.2025 which was of no consequence as he already stood disqualified automatically by virtue of Section 10(1A) of the Act of 1959. He submitted that in view of disqualification of the respondent no.10, his participation in the special meeting was illegal and resultantly the motion failed being passed by less than 3/4th majority. He submitted that this crucial aspect is not properly appreciated by the respondent no.2 and the impugned order to unseat the democratically

elected Sarpanch and Upa-Sarpanch is unsustainable in law. In support of his submissions, he placed reliance on the following case laws:-

- i. ***Anant H. Ulahalkar & Another Versus Chief Election Commissioner & Others*** [2017(1) Mh.L.J. 431].
- ii. ***Pradip Kisan Divekar & Another Versus The State of Maharashtra & Others*** [Writ Petition No.9837 of 2025], dated 23.07.2025.

5. Shri H.D. Dubey, learned Assistant Government Pleader for the respondent nos.1 to 3 and Shri V.B. Rathi, learned counsel for the respondent nos.6, 8 to 15 vehemently opposed the petition and justified the impugned orders.

6. Shri V.B. Rathi, learned counsel for the respondent nos.6, 8 to 15 vehemently submitted that the respondent no.10 had obtained the caste validity certificate on 21.12.2023 which was submitted on 02.04.2025 and in view of the provisions of the The Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2023 and The Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2025 (for short, 'the Extension Acts'), his disqualification was saved. He also submitted that the Extension Acts are applicable for elections held in the specific periods which are mentioned in the respective Acts being from 01.01.2021 to 10.07.2023 and 01.08.2022 to 30.04.2025. Hence, he submitted that the respondent no.10, who submitted the caste validity certificate on 02.04.2025 before

moving of no confidence motion was thus not disqualified. In support of his submissions, he placed reliance on the following case laws:-

- a. *Yogini Sanjay Deshmukh Versus The State of Maharashtra & Others* [Writ Petition No.2954 of 2024], dated 18.03.2024.
- b. *Gangubai Laxman Bansode & Others Versus State of Maharashtra & Others* [2008(1) Mh.L.J. 619].
- c. *Sau.Priya Rameshwar Kale Versus The Additional Collector, Buldana & Others* [Writ Petition No.2175 of 2025], dated 29.07.2025.
- d. *Subhash Manikrao Kadam Versus Additional Collector, Parbhani & Others* [2013(5) Mh.L.J. 82].
- e. *Nimba Rajaram Mali Versus Collector, Jalgaon & Others* [1998(3) Mh.L.J. 204].
- f. *Durgadas Ukhaji More & Others Versus Additional Commissioner, Nashik Division, Nashik & Others* [2003(1) Mh.L.J. 420].

7. Rival contentions thus fall for my consideration.

8. The main controversy involved in the petition is about disqualification of the respondent no.10 for failure to submit the caste validity certificate within the time required by law. In the instant matter, undisputedly the motion of no confidence was passed on 28.04.2025 in which the respondent no.10 had participated. He submitted his caste validity certificate on 02.04.2025 which is after more than one year from the date of his election and thus Section 10(1A) of the Act of 1959 got attracted. Thus, the issue is whether in view of the Extension Acts, the disqualification of the respondent no.10 can be saved.

9. In order to delve deep into the controversy, it is relevant to look into the time lines provided by the Extension Acts.

	Period of Election	Requirement to submit caste validity certificate.
Temporary Extension Act, 2023	Elections held after 01.07.2021 to 10.07.2023.	Shall <u>submit</u> caste validity certificate within twelve months from 10.07.2023 (i.e. upto 09.07.2024)
Temporary Extension Act, 2025	Elections held after 01.08.2022 to 30.04.2025.	Shall <u>submit</u> caste validity certificate within twelve months from 30.04.2025 (i.e. upto 29.04.2026)

It is thus clear that even after considering the Temporary Extension Acts, there is no protection to the candidates who submit their caste validity certificate during the period from 10.07.2024 to 29.04.2025. In the instant case, the respondent no.10 had submitted the caste validity certificate on 02.04.2025 and thus cannot be said to be entitled to the benefit of the Temporary Extension Acts.

10. The provisions of Section 10(1A) of the Act of 1959 provides for deemed disqualification of the candidate on failure to submit the caste validity certificate within a period of twelve months (after amendment, within six months) from the date of election. As such, on failure of the respondent no.10 to submit the caste validity certificate within twelve months from December-2022, he stood automatically disqualified by operation of law.

11. In view of this, the participation of the respondent no.10 in the special meeting of no confidence becomes invalid. Pertinent to note, out of twelve members, nine members had participated in the meeting and the motion was passed in view of 3/4th majority. Resultantly, after considering the disqualification of the respondent no.10, the motion of no confidence

cannot be said to have been passed with requisite 3/4th majority and thus the no confidence motion fails.

12. The position of law laid down in the judgments relied upon by the counsel for the respondents is not disputed, however in view of the basic controversy involved in the instant petition about disqualification of the respondent no.10, the legal position in the said judgments is not of any assistance to the respondents.

13. A quick reference to the judgments relied upon by the counsel for the respondents is necessary. In *Yogini Sanjay Deshmukh* (supra) it has to be noted that the concerned members had submitted their validity certificates within twelve months as per the Extension Acts and was thus entitled for benefit of the Extension Act of 2023. The matter of *Gangubai Laxman Bansode & Others* (supra) is about requirement of a decision by Collector about disqualification of a Member, however in the case in hand, the member was automatically disqualified and hence the judgment is not of any assistance to the respondents.

The judgment in *Sau.Priya Rameshwar Kale* (supra) is about purpose for which the disqualification can be considered, as to whether for all purposes or only for the purpose of participation in meetings. In my opinion, this controversy is not involved in the instant matter. The judgments in *Subhash Manikrao Kadam, Nimba Rajaram Mali* and *Durgadas Ukhaji More & Others* (supra) are also dealing with other

aspects about service of notice of meeting, form of notice of meeting etc. which are not raised in the petition by any of the parties during arguments and are also not found involved in the controversy. As such, these judgments are also not of any assistance to the respondents.

14. As regards the other contention about irregularities in the conduct of meeting of no confidence and service of notice, so also lack of proper discussion about motion of no confidence etc. the documents on record reveal that there is no illegality in this regard and even submissions are also not advanced on those issues.

15. A perusal of the impugned orders passed by the respondent no.2 reveals that the Collector has primarily considered the issues about procedure followed in the conduct of meeting of no confidence. The crucial issue about automatic disqualification of the respondent no.10 for failure to submit the caste validity certificate is not at all considered. As such, the impugned orders are unsustainable and deserves to be quashed and set aside.

16. Having regard to the above mentioned factual and legal aspects, I am of the firm view that the motion of no confidence passed against the petitioner is illegal in view of participation of the respondent no.10 who was already disqualified. Hence, the following order is passed:-

I. The writ petitions are allowed.

II. The motion of no confidence dated 28.04.2025 passed by the respondent no.4-Gram Panchayat, Nanda Gomukh against the petitioners Jyoti Nandraj Mowade as Sarpanch and Madhav Mukundrao Bavankar is quashed and set aside and the orders dated 25.06.2025 passed by the respondent no.2 in both the cases are also quashed and set aside.

17. Rule is made absolute in aforesaid terms with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)