



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

WRIT PETITION NO. 6997 OF 2025

Nalini Makhram Rathod, Aged 57 years, Occ: Household,
Sarpanch, Grampanchayat, Januna (Wadala), R/o At &
Post: Januna, Taluka Barshitakli, District Akola.

PETITIONER

VERSUS

1. The Collector, Collectorate, Akola.
2. Vijay Dhansing Jadhav, Age: Major, Up-Sarpanch,
Grampanchayat, Januna (Wadala), R/o At & Post,
Januna, Taluka Barshitakli, District Akola.
3. Dayaram Bondraji Ghode, Age: Major, Grampanchayat
Januna (Wadala), R/o At & Post: Januna,
Taluka Barshitakli, District Akola.
4. Mira Motiram Jadhav, Age: Major, Member,
Grampanchayat Januna (Wadala) R/o At & Post
Januna, Taluka Barshitakli, District Akola.
5. Sanjay Harichand Pawar, Age: Major, Member,
Grampanchayat Januna (Wadala), R/o At & Post,
Januna, Taluka Barshitakli, District Akola.
6. Rohit Harichand Pawar, Age: Major, Member,
Grampanchayat Januna (Wadala), R/o At & Post
Januna, Taluka Barshitakli, District Akola.
7. Bugabai Mundilal Pawar, Age: Major, Member,
Grampanchayat Januna (Wadala) R/o At & Post
Januna, Taluka Barshitakli, District Akola.
8. Archana Manik Jadhav, Age: Major, Member,
Grampanchayat Januna (Wadala) R/o At & Post
Januna, Taluka Barshitakli, District Akola.
9. Secretary, Gat-Grampanchayat Januna (Wadala),
R/o At & Post Januna, Tq. Barshitakli, Dist:Akola.

RESPONDENTS

Shri S.D. Chopde, counsel for the petitioner.
Shri A.S.Fulzele, Additional Government Pleader for the respondent no.1.
None for the respondent nos.2 to 9, though served.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : APRIL 02, 2026

ORAL JUDGMENT

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

2. By this petition, the petitioner has challenged the motion of no confidence dated 27.02.2025 and order dated 13.10.2025 passed by the respondent no.1-Collector, Akola by which the no confidence motion is upheld.

3. The petitioner was elected as Sarpanch of Gram Panchayat Januna (Wadala), Taluka Barshitakli, District Akola in the year 2022. A requisition of no confidence was submitted by the members on 24.02.2025 which was passed by majority of 7:1 and it was ratified by the Gram Sabha on 12.03.2025. The petitioner filed a dispute application under Section 35(3-B) of the Maharashtra Village Panchayats Act, 1959 before the respondent no.1-Collector, Akola which came to be rejected by order dated 13.10.2025, which is subjected to challenge by way of instant petition.

4. While assailing the impugned order, Shri S.D. Chopde, learned counsel for the petitioner submitted that the motion of no confidence is passed in the meeting in which the respondent nos.6 to 8 had participated who were disqualified for failure to submit the caste validity certificate in time. He submitted that since the respondent nos.6 to 8 had failed to submit their validity certificates in time, they were disabled from participating in the special meeting and by ignoring this vital aspect, the impugned order is passed.

5. The petition was opposed by the learned Additional Government Pleader, who justified the impugned order. It is submitted that the no confidence motion was passed by scrupulously following the procedure including service of notice and passing the motion by requisite majority. It

is submitted that the competent authority has never passed any orders disqualifying any of the members and therefor their participation in the meeting could not be questioned.

6. While considering the controversy, it has to be seen that the motion of no confidence is passed against the petitioner by requisite majority in a duly convened meeting for the said purpose. Pertinent to note, the respondent nos.6 to 8 were not disqualified by any order passed by the competent authority and therefore their participation in the meeting of no confidence could not be faulted with. In absence of any order disqualifying any of the members, their participation in the meeting was approved by the Tahsildar. The motion of no confidence was passed by the majority of 7:1 and it was also ratified by the Gram Sabha in the meeting held on 12.03.2025. It has to be noted that by considering the provisions of the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2023 it has been observed that as on the date of requisition i.e. on 24.02.2025, six members out of total eight members were entitled to participate in the meeting and accordingly their participation in the meeting is considered and no confidence motion is found to be properly passed. Further, it has to be noted that out of total eight members of the Gram Panchayat, even if participation of three members is ignored, the motion of no confidence cannot be faulted and as such the contentions canvassed on behalf of the petitioner raising objection to the participation of three members are not acceptable.

7. It is crucial to note that after having lost the confidence of the members, the no confidence motion is passed against the petitioner. Accordingly, the petitioner is expected to respect the mandate of the majority. The objections raised on behalf of the petitioner to the no confidence motion have been duly considered by the respondent no.1 while deciding the dispute under Section 35(3-B) of the Maharashtra Village Panchayats Act, 1959. A perusal of the impugned order shows that due consideration is given to all the factual and legal aspects and after considering all the contentions, the respondent no.1 has rejected the dispute. The petitioner has failed to demonstrate any illegality with the impugned order. The impugned order is well reasoned warranting no interference under Article 227 of the Constitution of India.

8. For all the above reasons, the writ petition is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)