



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

WRIT PETITION NO. 1468 OF 2026

Bhaiyyalal Sadhuji Meshram, Aged 61 years, Occ:
Agriculturist, R/o Zarpada, Tahsil Arjuni (Mor.),
District Gondia.

PETITIONER

VERSUS

1. State of Maharashtra, Through its Secretary,
Department of Rural Development and Panchayat
Raj, Mantralaya, Mumbai-32.
2. Additional Commissioner, Nagpur Division, Nagpur.
3. Additional Collector, Gondia, District Gondia.
4. Secretary, Grampanchayat, Zarpada, Tah. Arjuni
(Mor), District Gondia.
5. Headmaster, Zilla Parishad Primary School, Zarpada,
Tah. Arjuni (Mor), District Gondia.
6. Kanchan Jitendra Meshram, Aged Major, Member,
Grampanchayat Zarpada, Tah. Arjuni (Mor),
District Gondia.

RESPONDENTS

Shri I.S. Charlewar, counsel for the petitioner.
Smt. S.V. Kolhe, Assistant Government Pleader for the respondent nos.1 to 3.
Shri J.K. Matale, counsel for the respondent no.4.
None for the respondent no.5, though served.
Ms Astha Sharma, counsel (Appointed) for the respondent no.6.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : APRIL 22, 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 raised a challenge to the orders dated 29.10.2024 passed by the respondent no.3-Additional Collector, Gondia and the order dated 07.01.2026 passed by the respondent no.2-Additional Commissioner, Nagpur thereby disqualifying the petitioner as Member of the Gram Panchayat under Section 14(1)(j-1) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act').

3. The petitioner was elected as Member of Gram Panchayat, Zarpada in the elections held in the year 2022. The respondent no.6 filed a complaint before the respondent no.3 alleging the petitioner's disqualification under Section 14(1)(j-1) of the Act on the ground that the petitioner had more than two children born after 12.09.2001. In the proceedings before the respondent no.3, the petitioner appeared and filed his reply by denying the contentions about birth of first child by name Suryalal on 29.09.1991, although admitted about the birth of two other children viz. Akshay and Abhay. The proceedings were conducted before the respondent no.3 and on the basis of reports dated 29.08.2024 submitted by the Secretary of the Gram Panchayat and the Headmaster of the Zilla Parishad School, the respondent no.3-Collector observed that the record of the birth register maintained by the Gram Panchayat revealed that three children were born to the petitioner beyond the cut off date and the petitioner has thus incurred disqualification under Section 14(1)(j-1) of the Act. The petitioner filed appeal before the respondent no.2-Additional Commissioner which also came to be rejected by order dated 07.01.2026. The petitioner has challenged both these orders by way of instant petition.

4. Shri I.S. Charlewar, learned counsel for the petitioner submitted that the petitioner has denied birth of first child and in absence of conclusive proof to show the birth of first child by name Suryalal on 29.09.1991, the inference drawn by the Authorities is unsustainable. He submitted that the petitioner has categorically denied the contentions

about the birth of Suryalal and hence the burden to prove the birth of Suryalal on 29.09.1991 was upon the complainant, i.e. the respondent no.6 herein. By inviting attention to the reports dated 29.08.2024 filed before the Additional Collector, he submitted that since the birth of Suryalal was categorically denied by the petitioner, the same should have been proved by the respondent no.6. He also submitted that there is no presumptive value to the entries made in the register of birth and the said entries ought to have been proved in accordance with Section 22 of the Births, Deaths and Marriages Registration Act, 1886. In support of his submissions, he relied on the judgment of the Coordinate Bench in ***Bharat Vitthal Shete Versus Rohidas Manaji Wahleker & Others*** [2012(6) Mh.L.J. 282].

5. Per contra, Smt. S.V. Kolhe, learned Assistant Government Pleader for the respondent nos.1 to 3, Shri J.K. Matale, learned counsel for the respondent no.4 and Ms Aastha Sharma, learned counsel for the respondent no.6 vehemently opposed the petition and justified the impugned orders.

By relying on the affidavit-in-reply dated 21.04.2026 filed on behalf of the respondent no.3, the learned Assistant Government Pleader submitted that the impugned orders are passed on the basis of the report dated 29.08.2024 submitted by the Secretary of the Gram Panchayat which was based on the entry in the birth register maintained by the Gram Panchayat. By relying on the provisions of Section 74 of the Bhartiya

Sakshya Adhiniyam, 2023, the learned counsel for the respondent no.6 submitted that the birth and death register is a public document and in view of the entries being recorded in the official documents, there is no reason to disbelieve them. She submitted that mere denial by the petitioner about birth of the first son viz. Suryalal is not sufficient to avoid the disqualification which the petitioner has already incurred.

6. While considering the rival contentions, it has to be noted that the complaint about disqualification of the petitioner stated that the petitioner had three children born after 12.09.2001. The petitioner has although admitted birth of two children viz. Akshay and Abhay, however disputed the birth of first son viz. Suryalal on 29.09.1991. Pertinent to note, there is a specific entry in the birth and death register of village Zarpada showing the birth of son to the petitioner viz. Suryalal on 29.09.1991. this extract of register forms part of the report dated 29.08.2024 submitted by the Secretary of the Gram Panchayat. As regards this entry, the petitioner has simply denied the said entry about the birth of a child. It has to be noted that the entries in the birth and death register have been made by the officials in the discharge of their official duties and in view of Section 29 of the Bhartiya Sakshya Adhiniyam, 2023, the entries are relevant and admissible in evidence. Further, it has to be noted that in view of Section 119(e) of the Bhartiya Sakshya Adhiniyam, 2023, the entries recorded by the Government officials in discharge of their official duties has presumptive value and in the instant case, there is no material on record to disbelieve/discard the entries made in the birth and death

register. Pertinently, there is no reason put forth to disbelieve the entries made in regular course and neither the petitioner has demonstrated any reason to disbelieve the said entries. In the wake of these official documents, mere denial by the petitioner about the incorrectness of the entry is not at all sufficient.

7. A perusal of the orders passed by the respondent nos.2 and 3 shows that the Authorities have given due consideration to the reports submitted by the Secretary of the Gram Panchayat and the Headmaster of the Zilla Parishad School and on the basis of the extract of the birth and death register have inferred that the petitioner had three children born after 12.09.2001. As such, the reasons recorded by the Authorities are based on the material available before them and depicts proper application of mind. The petitioner has failed to demonstrate any perversity with the impugned orders and as such, no interference is warranted.

8. In view of the above, the writ petition is dismissed with no order as to costs. Rule stands discharged. Since Ms Aastha Sharma, who is appointed counsel for the respondent no.6 from the panel of legal aid, her fees be quantified as per the Rules and the same be paid to her.

(PRAFULLA S. KHUBALKAR, J.)