



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

913 WRIT PETITION NO.12805 OF 2025

SHOBHABAI ASHOK JADHAV

VERSUS

THE DISTRICT COLLECTOR AND OTHERS

...

Advocate for the Petitioner : Mr.R.V.Gore
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.3 : Mr.S.R.Dheple
Advocate for Respondent no.5 : Mr.K.B.Jadhav along with
Mr.Y.B.Bolkar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 15.10.2025

P.C. :

1] By the present Writ Petition, the petitioner challenges order dated 25.09.2025 passed by the District Collector, Chh. Sambhajinagar in C.R.No. 11/2025 whereby he disqualified the petitioner for non-holding of four Gramsabha meetings for the period May 2021, August 2021, January 2022 and May, 2022, as well as, 14 monthly meetings from the period March, 2021 to March, 2022, May 2022 and January 2023.

2] The learned counsel for the petitioner submits that the petitioner is elected as Sarpanch from the Scheduled Caste Category for the period from 2021 to 2026. He further submits that all aforesaid Gramsabha meetings were conducted, however, the entire record is available with the Gramsevak and the said record was not produced before the Collector, as such, the order of disqualification came to be passed against the present petitioner. He further submits that there was no specific charge communicated to the petitioner that the petitioner has failed to conduct the aforesaid Gramsabha meetings as well as monthly meetings. He further submits that no explanation was called from the petitioner in terms of Section 36 of the Maharashtra Village Panchayats Act. He further submits that the disqualification can be incurred only if the explanation is called and there is no plausible explanation in respect of non-conducting the meetings. He further submits that this Court has consistently held that communicating specific charge along with copy of the

report is mandate of law before disqualifying any elected Sarpanch or Upa-sarpanch. He relies upon the judgment in the case of *Pratibha Sanjay Hulle Vs. Additional Collector & Ors. reported in 2010 (4) Bom.C.R. 700* at para nos.4 and 5 and submits that charge has to be communicated, otherwise the entire process adopted and the final decision taken would be vitiated.

3] *Per contra*, the learned counsel for the respondents submits that it is specifically mentioned in the complaint that the petitioner has failed to conduct Gram Sabha meetings, so also, monthly meetings and the petitioner has also participated in the enquiry. As such, non communication of the charge to the petitioner may not be a ground to set aside the disqualification. The learned counsel for the respondents further submits that charge is handed over to the Upa Sarpanch.

4] Having considered the rival submissions, *prima facie*, there is violation of the mandate of law as noticed by this Court in the case of *Pratibha Sanjay Hulle [supra]* that

charge has to be communicated to the elected Sarpanch or Upa Sarpanch.

5] Considering the same, issue notice to the respondents, returnable on 13.11.2025. The learned AGP waives notice for respondent nos.1 and 2. Mr.S.R.Dheple, learned counsel waives notice for respondent no.3. Mr.K.B.Jadhav, learned counsel waives notice for respondent no. 5.

6] Till the next date, there shall be ad-interim stay to the impugned order dated 25.09.2025 passed by the District Collector, Chh. Sambhajinagar in CR No.11/2025.

7] Reply be filed before next date.

[ARUN R. PEDNEKER]
JUDGE

DDC