



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6129 OF 2025

Shaikh Mobin s/o. Abdul Kareem,
Age 39 yrs., Occu. Agril.,
(Sarpanch), R/o. Kausadi,
Tq. Jintur, District Parbhani

....Petitioner.

Versus

1. The State of Maharashtra
Through its Principal Secretary,
Rural Development Deptt.,
Mantralaya, Mumbai-400 032.
2. Collector, Parbhani
District Parbhani.
3. The Chief Executive Officer
Zilla Parishad, Parbhani.
4. Block Development Officer,
Panchayat Samiti, Jintur,
District Parbhani.
5. Ranjana w/o. Hanuman Somani,
Age 50 yrs., Occu. Housewife,
6. Balasaheb s/o. Wamanrao Bahirat,
Age 57 yrs., Occu. Agril.,
7. Anita w/o. Dnyaneshwar Baravkar,
Age 33 yrs., Occu. Housewife.
8. Rizwana w/o. Shaikh Anwar,
Age 38 yrs., Occu. Housewife,
9. Mohd. Khan w/o. Rahim Khan Pathan (Died)
10. Anjana w/o Eknath Ikhe,
Age 40 yrs., Occu. Housewife,
11. Wajeed s/o Mehmood Ansari,
Age 37 yrs, Occu. Agril.
12. Sarika w/o Dnyaneshwar Jiwane,
Age 33 yrs., Occu. Housewife,
13. Kailas s/o Rohidas Rathod,

Age 35 yrs., Occu. Agril.,

14. Gramsevak,
Grampanchayat Kausadi,
Tq. Jintur, Dist. Parbhani.

Above from 5 to 13 All r/o.
Kausadi, Tq. Jintur,
District Parbhani.

**.....Respondents.
(Resp. Nos. 2 to 11 are
original applicants)**

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Mr. V.D. Sapkal, Sr. Counsel i/b. Mr. R.D. Khadap, advocate for the petitioner.

Mr. P.D. Patil, AGP for respondent Nos. 1 and 2.

Mr. D.M. Shinde Advocate h/f. Mr. R.K. Ingole, Advocate for respondent Nos. 3 and 14.

Mr. M.P. Kale, Advocate for respondent No. 8.

Mr. R.D. Gaikwad, Advocate for respondent Nos. 5 to 7, 10, 12 and 13.

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**CORAM : ARUN R. PEDNEKER, J.
DATE : 12/09/2025**

JUDGMENT :-

1. By the present writ petition, the petitioner is challenging the impugned order dated 25.4.2025 passed by the District Collector, Parbhani in case No. 2024/SP/GPN-2/PK 02, thereby disqualifying the petitioner to be a member-Sarpanch of Grampanchayat Kausadi, Tq. Jintur, District Parbhani in terms of provisions contained in section 7(1) r/w. 36 of the Maharashtra Village Panchayat Act, 1958 (hereinafter referred to as 'the Act of 1958').

2. Brief facts, leading to the institution of the present writ petition are summarized as under :-

On 22.9.2022 the petitioner was elected as Sarpanch of Grampanchayat Kausadi, Tq. Jintur, District Parbhani. On 5.1.2024

respondent Nos. 4 to 13, original complainants filed Grampanchayat Dispute Application No. 2/2024 before respondent No. 2/Collector, Parbhani, seeking disqualification of the petitioner for non-holding of monthly and Gram Sabha meetings. The petitioner filed his reply to the complaint. On 26.6.2024 the respondent No. 2/Collector allowed the complaint filed by the respondents No. 4 to 13 and disqualified the petitioner to be a Sarpanch of the Grampanchayat in terms of provisions contained in section 7(1) and 36 of the Act of 1958. The said order was challenged by the petitioner before this Court and the matter was remanded back by the High Court by quashing the order of the Collector. Thereafter, there was another round of litigation when the petitioner was disqualified by the Collector. The matter was again remanded by this Court and this is the third round of litigation in which the petitioner is disqualified to be the Sarpanch.

3. **Mr. V.D. Sapkal**, learned Senior Counsel for petitioner submits that the only charge stated to be proved against the petitioner is charge Nos. 3 and 4 whereas charge Nos. 1 and 2 as regards not holding the monthly meetings are concerned, the said charge is not established. Charge Nos. 3 and 4 relates to non holding of the Gram Sabha meeting. The learned Senior counsel submits that except one all other Gram Sabha meetings are defacto held. The learned Senior Counsel for the petitioner has submitted that the Collector was required to specify the charge as directed by earlier order of this court and the Collector was required to consider whether the meetings were not held for sufficient reasons. As regards charge Nos. 3 and 4 are concerned, the learned Senior Counsel submits that the petitioner was elected as Sarpanch on 22.9.2022 and he took charge of the said post on 6.10.2022 and that the first meeting was required to be held in November

2022. In this regard, the learned Senior Counsel submits that the petitioner had taken charge in the middle of the financial year in October 2022 and the meeting of the Gram Sabha was not taken in the month of November 2022 immediately after assuming charge and the petitioner had taken the subsequent meeting of Gram Sabha in the month of January 2023. The petitioner was also not guided by the Gramsevak (Secretary of Panchayat) members or any officials of the Panchayat for calling the Gram Sabha meeting. The learned Senior Counsel particular points out section 7 of the Act of 1958 and submitted that as newly elected Sarpanch of the Panchayat in October 2022, he was not fully aware as to the requirement of holding the Gram Sabha meeting immediately in November 2022. As regards the meeting held in January 2023 is concerned, it is alleged in the charge that it was not conducted with requisite quorum and that the petitioner submits that requisite quorum in terms of meeting rules is of 15% of the Panchayat voters or 100 voters whichever is less. The meeting was attained by 84 voters in January 2023. The learned Senior Counsel submits that there is substantial compliance in respect of the meeting held in January 2023 and even in terms of the rules, at the best, the petitioner could have deferred the meeting and thereafter, the meeting could have been held with 84 voters or even with less number of voters. The learned Senior Counsel submits that at the highest, it can be said that there was infraction of rules in holding the meeting and disqualification cannot be imposed for such infraction of rules. The learned Senior Counsel particularly relied upon the judgment of the Hon'ble Supreme Court in the case of **Ravi Yashwant Bhoir Vs. District Collector, Raigad and Ors.**, reported in AIR 2012 SC 1339, so also judgment of this court passed on 24.02.2023 in Writ Petition No.

9427/2022 in the case of Shri Manohar s/o. Dnyaneshwar Pote Vs. The Collector, Jalna and Ors.

4. Per contra, **Mr. M.P. Kale and R.D. Gaikwad**, learned counsel appearing for the complainant, so also **Mr. D.M. Shinde**, learned counsel appearing for Zilla Parishad submitted that in view of the Rule 10(2) of the Bombay Village Panchayats (Gram Sabha Meetings) Rules, 1959 (hereinafter referred to as 'the Rule of 1959' for short), the petitioner is required to maintain quorum, so also in absence of quorum, the petitioner/Sarpanch was required to follow the procedure as contemplated in above rule of deferring the meeting and thereafter holding the meeting. It is submitted that the meeting which is not conducted in terms of the rules is not a meeting in terms of law and as per section 7 r/w. section 36 of the Act of 1958, the petitioner is disqualified as Sarpanch of village. The learned counsel further submits that as regards the meeting which was required to be conducted in November 2022, the petitioner had taken charge of the post of Sarpanch on 6.10.2022 and it was mandatory requirement to conduct the Gram Sabha meeting in November 2022. Democratic participation of all the members of the village is mandatory in democracy and non holding of the Gram Sabha meeting would lead to disqualification of the petitioner. There is no reason mentioned for not holding the Gram Sabha meeting in November 2022 except that the petitioner took charge on 6.10.2022. There was no prohibition or impediment in holding Gram sabha meeting in November 2022. It is further submitted that once it is held that Gram Sabha meeting of November 2022 is not held by the petitioner and there is no sufficient reason for not holding the Gram Sabha meeting, it is the mandate of section 7 r/w. Section 36 of the Act of 1958 to disqualify the

petitioner.

5. Considered the rival submissions. Perused the record. At the outset, it is required to be noted that this is the third round of litigation between the parties. In earlier rounds of litigation this Court by order dated 27.11.2024 passed in Writ Petition No. 6618/2024 had directed the respondent authority to stipulate the charge and consider the sufficiency of reasons for non-holding of meetings and disposed of the writ petition. Para 2 of the order reads as under :-

"2. In view of this, this Court finds that it will be in the interest of justice to remand the matter back to the Collector for fresh decision. Hence, the matter is remanded back to the Collector, Parbhani for fresh decision. The Collector shall specify the charge, which the petitioners have to answer. The Collector to also further consider as to whether the meetings were not held for sufficient reasons."

6. In pursuance of the above order passed by this court, notice was given to the petitioner and charges were framed against the petitioner by the Collector, which reads as under :-

अ.क्र.	दोषारोप
1	माहे डिसेंबर-२०२२, जानेवारी-२०२३, एप्रिल-२०२३, मे-२०२३, जून-२०२३, जुलै-२०२३, ऑगस्ट-२०२३, सप्टेंबर-२०२३, ऑक्टोबर-२०२३, नोव्हेंबर-२०२३, डिसेंबर-२०२३ व जानेवारी-२०२४ या महिन्यांच्या मासिक सभेची सूचना काही सदस्यांना न देणे.
2	माहे ऑक्टोबर-२०२२, नोव्हेंबर-२०२२, जानेवारी-२०२३, फेब्रुवारी-२०२३, मार्च-२०२३, एप्रिल-२०२३, मे-२०२३, जून-२०२३, जुलै-२०२३, ऑगस्ट-२०२३, सप्टेंबर-२०२३ या महिन्यांच्या मासिक सभा इतिवृत्ताखाली सभा अध्यक्ष म्हणून सरपंच, तर सचिव म्हणून ग्रामसेवक यांनी सही न करणे.
3	ग्रामपंचायत सार्वत्रिक निवडणुकीनंतर ग्रामपंचायतीची सुरुवात दिनांक ०६/१०/२०२२ रोजी झाल्याने आर्थिक वर्ष २०२२-२०२३ मधील उर्वरित बाकी राहिलेल्या दोन ग्रामसभांपैकी नोव्हेंबर-२०२२ या महिन्यात आयोजित करणे आवश्यक असलेली ग्रामसभा आयोजित न करणे व जानेवारी-२०२३ या महिन्यातील ग्रामसभा गणपूर्ती नसतांना आयोजित करणे व सभा इतिवृत्ताखाली सभा अध्यक्ष म्हणून सरपंच, तर सचिव म्हणून ग्रामसेवक यांनी सही न करणे.
4	आर्थिक वर्ष २०२३-२०२४ मधील ऑगस्ट-२०२३, नोव्हेंबर-२०२३ या महिन्यात आयोजित करणे अनिवार्य असलेल्या ग्रामसभा गणपूर्ती नसतांना आयोजित करणे, तसेच ऑगस्ट-२०२३, नोव्हेंबर-२०२३ या महिन्यातील ग्रामसभेसह माहे एप्रिल-मे, २०२३ मध्ये

	आयोजित करणे आवश्यक असलेल्या ग्रामसभेच्या इतिवृत्ताखाली सभा अध्यक्ष म्हणून सरपंच, तर सचिव म्हणून ग्रामसेवक यांनी सही न करणे.
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7. As regards holding of monthly meetings are concerned, the same are held as per the rules and there is no deficiency in this regard. As such, this Court is concerned only with charge Nos. 3 and 4 as noted above under which the petitioner is disqualified for not holding the Gram Sabha meeting. By the impugned order, the Collector has held that four Gram Sabha meetings were required to be held in financial year 2022-2023 i.e. from 1st April 2022 to 31st March 2023. In the financial year 2022-2023 the petitioner took charge of the post of Sarpanch in October 2022 and as such, he was required to hold two Gram Sabha meetings in the financial year in November 2022 and January 2023 and that the petitioner has failed to hold the Gram Sabha meeting in November 2022. Further, the Collector has held that the petitioner has violated Rule 10(2) of the Rules of 1959, as in the meeting held in January 2023 only 84 members were present, in the meeting held in August 2023 only 88 members were present, in the meeting held in November 2023 only 91 members were present. The petitioner had given reasons to hold Gram Sabha Meetings with insufficient quorum as the villagers were involved in the agricultural activity and as such, all of them do not remain present in the meetings and securing presence of the villagers in the meetings is not in the hands of the petitioner and that petitioner has held the Gram Sabha meetings from the available members. The Collector held that the reasons given by the petitioner for holding Gram Sabha meetings with insufficient quorum is not satisfactory and in terms of Rule 10(2) of the Rules of 1959 in the event of non availability of the quorum, the meeting ought to have been deferred and thereafter held by

giving fresh notice. The petitioner has conducted the Gram Sabha meetings with insufficient quorum and held the same without deferring the meeting for want of quorum. The Collector, thus, held that the petitioner has violated the above rules and held that charge Nos. 3 and 4 are established against the petitioner and has disqualified the petitioner.

8. Before proceeding further, it is necessary to consider the relevant provisions. Section 7 (1) of the Act of 1958 reads as under :-

"7. Meetings of Gram sabha:

"(1) There shall be held at least four meetings of the Gram Sabha every financial year on such date, at such time and place, and in such manner as may be prescribed and if the Sarpanch, or in his absence the Upa-Sarpanch fails without sufficient cause, to hold any of such four meetings he shall be disqualified for continuing as Sarpanch or, as the case may be, Upa-Sarpanch or for being chosen as such for the remainder of the term of office of the members of the panchayat; and the Secretary of the panchayat shall also if, prima facie, found responsible of any lapse in convening such meeting, be liable to be suspended, and for being proceeded against, for such other disciplinary action as provided under the relevant rules. The decision of the Collector on the question whether or not there was such sufficient cause shall be final:

Provided that, the Sarpanch may, at any time of his own motion, and shall, on requisition of the Standing Committee, Panchayat Samiti, or Chief Executive Officer, call a meeting of the Gram Sabha within the period specified in the requisition; and, on the failure to do so, the Chief Executive Officer shall require the Block Development Officer to call the meeting within fifteen days from the date he is so required to do. The meeting shall, notwithstanding the provisions of sub-section (3), be presided over by him or any officer authorised by the Block Development Officer, in that behalf:

Provided further that, a period of not more than four months shall be allowed to elapse between the two meetings of the Gram Sabha:

Provided also that, if the Sarpanch or Upa-Sarpanch,

as the case may be, fails to call any such meeting within the specified period, the Secretary shall call the meeting and it shall be presumed that, such meeting has been called with the concurrence of the Sarpanch or, as the case may be, Upa-Sarpanch."

9. Rules 10 of the Bombay Village Panchayats (Gram Sabha Meetings)

Rules of 1959 is as under :-

"10. (1) Fifteen per cent of the total number of persons included in the list of voters or hundred such persons, whichever is less, shall form a quorum for a meeting of the Gram Sabha.

(2) If a meeting is adjourned for want of quorum, no quorum shall be necessary for the adjourned meeting but a fresh notice of such adjourned meeting shall be given in the manner provided in rule 6."

10. This Court in the case of **Shri Manohar s/o Dnyaneshwar Pote** cited supra with regard to the law on disqualification of Sarpanch has observed at para 16 and 17 as under :-

"16] The law on the subject i.e. disqualification of an elected member for not complying mandatory provisions is dealt with in the cases of **Ravi Yashwant Bhoir Vs. District Collector, Raigad and others** reported in [2012] 4 SCC 407, **Gangabai Vithal Bade Vs. State of Maharashtra & ors.** Reported 2013 [3] Bom.C.R. 277 and **Sunil Daulat Patil Vs. The State of Maharashtra & others** in Writ Petition No.3419 of 2013, decided on 04.12.2013. The Hon'ble Supreme Court in the case of **Ravi Yashwant Bhoir Vs. District Collector, Raigad and others** reported in [2012] 4 SCC 407 has held at para nos.35, 36 and 37 as under:

35. The elected official is accountable to its electorate because he is being elected by a large number of voters. His removal has serious repercussions as he is removed from the post and declared disqualified to contest the elections for a further stipulated period, but it also takes away the right of the people of his constituency to be represented by him. Undoubtedly, the right to hold such a post is statutory and no person

can claim any absolute or vested right to the post, but he cannot be removed without strictly adhering to the provisions provided by the legislature for his removal (vide Jyoti Basu v. Debi Ghosal, Mohan Lal Tripathi v. District Magistrate, Rae Bareilly and Ram Beti v. District Panchayat Raj Adhikari].

36. In view of the above, the law on the issue stands crystallised to the effect that an elected member can be removed in exceptional circumstances giving strict adherence to the statutory provisions and holding the enquiry, meeting the requirement of principles of natural justice and giving an incumbent an opportunity to defend himself, for the reason that removal of an elected person casts stigma upon him and takes away his valuable statutory right. Not only the elected office-bearer but his constituency / electoral college is also deprived of representation by the person of their choice.

37. A duly elected person is entitled to hold office for the term for which he has been elected and he can be removed only on a proved misconduct or any other procedure established under law like "no confidence motion", etc. The elected official is accountable to its electorate as he has been elected by a large number of voters and it would have serious repercussions when he is removed from the office and further declared disqualified to contest the election for a further stipulated period.

17] This Court in the case of **Gangabai Vithal Bade Vs. State of Maharashtra & ors. Reported 2013 [3] Bom.C.R. 277**, it has been held at paras 4 and 5, as under:-

4. No doubt, provisos of section 7 provided various other requirements of Gram Sabha meetings. In addition to section 7, there are rules made for providing procedure etc. of Gram Sabha meetings. Section 7 on the whole read with rules indicates that a Sarpanch or in his absence Upsarpanch should at least hold six meetings of Gram Sabha every financial year. Proviso and rules provided inter alia that maximum period of three months is permitted between two meetings of Gram Sabha. Sub-section (5) of section 7

further provides that meeting of women members of Gram Sabha should be held before the regular meeting of Gram Sabha. In addition to this, prescribed rules, namely, Bombay Village Panchayats Rules, 1959 further enjoins a Sarpanch to hold first meeting of Gram Sabha of every financial year within two months from the commencement of the year and second should be held in November every year. They further provide that Gram Sabha meeting should be held also in August and January of every year. In my view, since the rule in respect of disqualification is mentioned in sub-section (1) and since it is a penal provision, strict construction is required to be given to it. Sub-section (1) clearly lays down a rule that only in case of failure to hold six Gram Sabha meetings, the Sarpanch would incur disqualification. Other requirements of meeting are not included in sub-section (1) and so in case of non observance of other requirements penal consequence of disqualification is not incurred. In other words, if six meetings are held in one financial year, but they were not held as per remaining provisions contained in section 7 or in the rules, a Sarpanch may not incur disqualification.

5. Second point that arose in this case is whether the petitioner / sarpanch incurred disqualification in case he did not give notice of meetings. Learned Assistant Collector held that because of want of notice, he incurred disqualification. The rules provided that sarpanch is responsible for giving seven days notice of each Gram Sabha meeting. It is observed that seven days notice for meetings was not given by the petitioner. The learned Assistant Collector held that because of this lapse the petitioner would incur disqualification. I am not in agreement with this ruling also. I would place reliance only on sub-section (1) of section 7 when I would examine whether the petitioner incurred disqualification. As said above, other lapses or infringement of other rules and provisos, in my view will not incur drastic result of disqualification. The petition, therefore, should succeed on merit. The impugned order stands set aside."

11. Considering the above quoted provisions of section of the Act of

1958, the petitioner would incur disqualification if he fails to conduct the Gram Sabha meetings without "sufficient cause". In view of the judgment in the case of **Ravi Yashwant Bhoir** cited supra, the Hon'ble Supreme Court has held that removal of elected official has serious repercussions and he has to be removed in exceptional circumstances by giving strict adherence to the statutory provisions and after holding inquiry. In the case of **Ravi Yashwant Bhoir** cited supra, the Hon'ble Supreme Court has observed that violation of statutory provisions does not per-se lead to the disqualification of the member if the member has sufficient cause for not holding the meeting. In the present case, the petitioner is elected as Sarpanch in October 2022. Section 7 of the Act of 1958 provides that there shall be held at least four meetings of the Gram Sabha every financial year on such date, at such time and place, and in such manner as may be prescribed and if the Sarpanch, or in his absence the Upa-Sarpanch fails without sufficient cause, to hold any of such four meetings he shall be disqualified for continuing as Sarpanch or, as the case may be, Upa-Sarpanch or for being chosen as such for the remainder of the term of office of the members of the panchayat; and the Secretary of the panchayat shall also if, prima facie, found responsible of any lapse in convening such meeting, be liable to be suspended, and for being proceeded against, for such other disciplinary action as provided under the relevant rules. Second proviso to section 7 of the Act of 1958 provides that, if the Sarpanch or Upa-Sarpanch, as the case may be, fails to call any such meeting within the specified period, the Secretary shall call the meeting and it shall be presumed that, such meeting has been called with the concurrence of the Sarpanch or, as the case may be, Upa-Sarpanch. The decision of the Collector on the question whether or

not there was such "sufficient cause" shall be final.

12. In the instant case, the petitioner was elected as Sarpanch in October 2022 and he has stated that he was not be aware that Gram Sabha was required to be conducted in November 2022 and that there is no record to indicate that even the Gramsevak or any other official has brought it to the notice of the petitioner/Sarpanch that Gram Sabha meeting was required to be held or that they called upon the petitioner to hold the meeting. The error at the instance of petitioner is bonafide. Mere statutory violation does not lead to disqualification. The reasons given are palpable and ought to have been ordinarily accepted when Gramsevak or any Government official deputed have also failed to perform their duty and that there is no record to indicate that in spite of bringing it to the notice of the Sarpanch, such meeting was not conducted and that the petitioner has failed to hold the meeting. The Collector has observed that the petitioner has failed to hold the Gram Sabha meeting and is thus liable to be disqualified. The Collector has not discussed the sufficiency of reasons and he has given his findings on the basis of non holding of the meeting itself as good enough to disqualify the petitioner. This matter has been remanded on many occasions and it is the third round of litigation and the petitioner who has been Sarpanch has been facing difficulties in performing his duty towards his village. The petitioner has held all monthly meetings. The petitioner on being elected as Sarpanch in November 2022 had no reason to deliberately not hold Gram Sabha meeting in November 2022. It is not pointed out that the petitioner/Sarpanch wanted to avoid the Gram Sabha meeting to avoid any particular inconvenient topic of discussion. The reason given for non holding of Gram Sabha meeting of November 2022 is an acceptable one. As

such this Court holds that the petitioner had 'sufficient cause' for non holding of Gram Sabha meeting of November 2022.

13. As regards second charge of not holding Gram Sabha meeting in January 2023 and subsequent meeting in April 2023, August 2023, November 2023 with sufficient quorum is concerned, it is to be noted that violation of the rules would not per-se entail disqualification unless Collector comes to the conclusion that no Gram Sabha meeting was held. Infraction of the meeting rules cannot automatically leads to disqualification. Enquiry conducted by the Collector is summary in nature and based on the record maintained by the Gram Panchayat. The signatures thereon of 84 to 91 members at different meetings. Deficient quorum, which is very negligible, is not alone sufficient to hold that there was no meeting. Even if meeting was deferred and again called the same can be conducted without quorum and the meeting can be proceed statutorily. Such marginal infraction in terms of quorum cannot lead to disqualification. Only because record shows that members present were between 84 to 91 for the meetings noted in charge No. 4, it cannot be held for same in a summary inquiry that there was insufficient quorum. It is possible that all voters present have not signed. In a summary inquiry, in case of marginal difference of number of voters present, no definite opinion can be given that the quorum was insufficient. Even proceeding on the basis that the quorum was insufficient, marginal infraction of the rules per-se do not lead to the disqualification. In the present case and such a minor infraction cannot be taken into consideration and on the basis of such infraction of rules, it cannot be held that the petitioner has failed to conduct the meetings. In a summary inquiry proceedings if it is found that there is a minor infraction of some rule in

conducting meeting, that itself cannot lead to disqualification and that is not the purport of section 7 of the Act of 1958. Elected representative has to discharge his duty towards his electorate and electorate is also entitled to have elected representative to represent them. In democratic set up the elected representative has to perform duty in terms of statutory provisions. Minor infraction to the rules may not lead to disqualification and such interpretation of the statute would not serve the purpose of the Act.

14. Considering that the petitioner/Sarpanch had 'sufficient cause' for non holding of 'Gram Sabha' meeting of November 2022 and also the meetings of April 2023, August 2023 and November 2023 in the cases of marginally insufficient quorum, no definite opinion can be given on the basis of record of the Panchayat that the quorum was insufficient in a summary inquiry. Even if the quorum was marginally insufficient, minor infraction of rules of quorum cannot lead to disqualification of Elected Representative (**Gangabai Vithal Bade** *supra*). The elected representative/petitioner has also given reason for the minor infraction of quorum that the villagers were involved in agricultural work and may have not attended meetings in good numbers. The reasons given should not be discarded unless there is malafide reason for not conducting meeting or for going ahead with the meeting with marginal infraction of quorum. The impugned order is thus quashed and set aside. The petitioner is restored to his post of Sarpanch. The writ petition is accordingly allowed and disposed of.

[ARUN R. PEDNEKER, J.]

ssc/