



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 13742/2026
CNR: RJHC020717292026 | URN: CW / 29888U / 2026

Iqbal Chhipa S/o Safi Mohammad, aged about 50 Years, R/o
chipo ka mohalla,roopangrah,ajmer,rajasthan,305814..

-----Petitioner

Versus

1. State of Rajasthan, through Secretary of Rural Development and Panchayati Raj Department of Rajasthan, Jaipur, Rajasthan-302003.
2. Additional Commissioner and Deputy Secretary (Second), Panchayati Raj Department, Jaipur, Rajasthan, 302003.
3. State of Rajasthan, through District Collector Ajmer Rajasthan, 305001.

-----Respondents

For Petitioner(s)	:	Mr.Ravi Kumar Palsania with Mr.Vikas Meena & Mr.Tanishq Gautam
For Respondent(s)	:	Mr.Kapil Prakash Mathur, AAG assisted by Mr.Ashutosh Udawat & Mr.Shashwat Dhankar

JUSTICE ANOOP KUMAR DHAND

Order

24/09/2026

1. By way of filing the instant writ petition, a challenge has been led to the impugned order dated 19.06.2026, passed by the respondent No.2 by which the petitioner has been removed from the post of Administrator, Gram Panchayat Roopangrah, Panchayat Samiti Kishangarh, District Ajmer.
2. Learned counsel for the petitioner submits that merely on the basis of a registration of F.I.R. No.69/2024, with the Police Station Roopangarh, District Ajmer for the offences punishable



under Sections 420, 467, 468, 471, 474 & 120-B IPC and Section 3(2)(va) of SC/ST Act, and merely on the basis of the judicial custody of the petitioner in the aforesaid case and submission of charge-sheet against him, the petitioner has been removed from the aforesaid post of Administrator. Counsel submits that for the aforesaid reasons, the petitioner cannot be removed from the post of Administrator. Hence, under these circumstances, interference of this Court is warranted.

3. *Per contra*, learned counsel appearing on behalf of the respondent-State opposed the arguments and submitted that for the serious offences, as stated above, which relate to moral turpitude, the petitioner was taken into custody and thereafter, he has also been charge-sheeted before the concerned Court. Hence, under these circumstances, interference of this Court is not warranted.

4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. Perusal of the impugned order indicates that on account of registration of the aforesaid F.I.R., arrest of the petitioner and submission of charge-sheet against him for the offences under Sections 420, 467, 468, 471, & 120-B IPC and Section 3(2)(v) of SC/ST Act, the petitioner has been removed from the post of Administrator, Gram Panchayat Roopangrah, Panchayat Samiti Kishangarh, District Ajmer.

6. Section 19 of the Rajasthan Panchayati Raj Act, 1994 (for short, "the Act of 1994") deals with the disqualification for a person to remain as Panch or Member of any Panchayati Raj Institution Section 19(g) and (gg) of the Act of 1994 being





relevant for consideration of the issue involved in the instant writ petition, are reproduced here under:-

"19. Qualification for election as a Panch or a member- Every person registered as a voter in the list of voters of a Panchayati Raj Institution shall be qualified for election as a Panch or, as the case may be, a member of such Panchayati Raj Institution unless such person -

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(g) has been convicted of any offence by competent Court and sentenced to imprisonment for six months or more, such sentence not having been subsequently reversed or remitted or the offender pardoned;]

2[(gg) is under trial in the competent Court which has taken cognizance of the offence and framed the charges against him of any offence punishable with imprisonment for five years or more;]"

Bare perusal of the Section 19(g) clearly reveals and indicates that if a person has been found to be guilty of an offence and has been sentenced to undergo six months imprisonment, and if such judgment has not been reversed, then such person is disqualified to remain as a Member of the Panchayati Raj Institution. Similarly, as per sub-section (gg) of Section 19 of the Act of 1994, if any person is facing trial, before the competent Court, which has taken cognizance against him or charges have been framed against such person for any offence punishable with imprisonment for five years or



more, such person would become ineligible to remain a Member of the Panchayati Raj Institution.

8. The post of Sarpanch does not become vacant merely upon registration of an F.I.R., arrest or filing of charge-sheet against him. The disqualification is attracted only upon conviction and sentence of six months or more, or where cognizance has been taken and charges have been framed for an offence punishable with imprisonment of more than five years.

9. In the instant case, till date, neither cognizance has been taken nor charges have been framed against the petitioner for any offence punishable with the imprisonment of more than five years. Since, so far the petitioner has not been found guilty and sentenced to imprisonment for a period of six months, therefore, under these circumstances, the order impugned dated 19.06.2026 is not sustainable in the eyes of law and the same is liable to be and is hereby quashed and set-aside.

10. Accordingly, the instant writ petition stands allowed.

11. Needless to observe that when Section 19 (gg) declares a person ineligible to contest the election to become a Member of the Panchayati Raj Institution, then certainly such elected person would also become ineligible to hold the said post, after his election as a Member or Sarpanch of any Panchayati Raj Institution, in terms of Section 38 of the Act of 1994.

12. It goes without saying that in case, cognizance is taken against the petitioner, the respondents would be at liberty to





pass fresh order, in terms of the Section 19 (gg) read with Section 38 of the Act of 1994, after following the due process of law.

13. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

46/Aayush Sharma

