

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.399 OF 2014

**Madhav Sudam Gosavi : Petitioner
versus
Dattatraya Sopan Shinde and ors. : Respondents.**

**ALONG WITH
WRIT PETITION NO.427 OF 2014**

**Sou. Dhanashri Madhav Gosavi : Petitioner
versus
Dattatraya Sopan Shinde and ors. : Respondents.**

Mr. Balwant Salunkhe i/by Mr. Shivajirao Masal for the Petitioners in both the Petitions.

Mrs. S S Patwardhan for the Respondent No.1 in both the Petitions.

Ms. M S Bane "B" Panel Counsel for the Respondent Nos.3 and 4.

CORAM : R. M. SAVANT, J.

DATE : 14th July 2015

P.C.

1 The above Writ Petitions take exception to the order dated 15/10/2013 passed by the Additional Commissioner, Pune Division, Pune by which order the Appeals filed by the Petitioners came to be dismissed and resultantly the order dated 18/3/2013 passed by the Additional Collector disqualifying the Petitioners under Section 10(1A) of the Maharashtra Village Panchayats Act came to be confirmed.

2 The Petitioners are husband and wife and had contested the

elections to the GramPanchayat Choudharwadi, Tal. Koregaon, Dist. Satara. The said elections took place on 31/07/2010. The Petitioners contested from the seats meant for Nomadic Tribe. The Petitioners at the time of filing their nominations gave an undertaking that they would produce the caste validity certificates within the time frame stipulated by the said Act. However, it seems that the Petitioners applied for validating the caste certificates which was issued to them to the concerned caste scrutiny committee for the first time on 15/5/2013 and the Petitioners were issued the caste validity certificates on 25/7/2013 and it is thereafter that the Petitioners submitted their caste certificates.

3 Since the Petitioners had not produced the caste certificates within the time frame stipulated in the said Act, an application for disqualifying the Petitioners came to be made by the Respondent No.,1 herein on the ground that the Petitioners have violated the provisions of Section 10(1A) of the said Act. The said application was considered by the Additional Collector who by his order dated 18/3/2013 allowed the said application.

4 The Petitioners aggrieved by the said order passed by the Additional Collector filed the Appeals before the State Government which were heard by the Additional Commissioner who by his impugned order dated 15/10/2013 has dismissed the Appeals. The Additional Commissioner has

observed that though in terms of Government Resolution of 2010 a period of 7 months is available to a person who has contested the elections from reserved seat to produce the caste validity certificate. In the instant case the Petitioners have applied for caste validity certificate on 15/5/2013 pursuant to which the caste validity certificates were made available to them on 25/7/2013 and it is thereafter that the same were produced by the Petitioners before the concerned authority. It is also required to be noted that the impugned order is dated 15/10/2013 and as indicated above the elections to the said GramPanchayat took place on 31/07/2010. Hence considering the fact that the elections took place in the year 2010, the term of the body must have come to an end. However, having regard to the mandate of Section 10(1A) of the said Act and considering the fact that the Petitioners applied for issuance of the caste validity certificates almost after a period of 3 years, the orders passed by the authorities cannot be found fault with and therefore do not merit any interdiction at the hands of this Court in its writ jurisdiction. The above Writ Petitions are accordingly dismissed.

[R.M.SAVANT, J]