

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5499 OF 2015

Dharmaraj Popat Waje. ... Petitioner.
V/s.
State of Maharashtra and others. ... Respondents.

G.N.Salunke i/b. Amey Deshpande for the petitioner.

PPKakade, AGP for the State.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 31st July 2015.

P.C.

Heard.

2. The petitioner contends that he was elected as Member of Grampanchayat, Wajewadi village in July 2013. The petitioner claims to be of Kunbi caste, O.B.C. category and was elected from reserved seat. An application was made to the Divisional Caste Scrutiny Committee for deciding caste status of the petitioner.

3. The learned counsel appearing for the petitioner submits that so far the Committee has failed to decide caste scrutiny claim of the petitioner. The petitioner is not responsible for the said delay. By communication dated 21st February 2014, the Committee intimated

Mr.Santosh Gosavi, the complainant that the application submitted by the petitioner for verification of his caste status is misplaced.

4. By an order dated 16th April 2015, the Additional Collector, Pune disqualified the petitioner to continue as Member of Grampanchayat in view of provisions of section 10(1)(a) of the Maharashtra Village Panchayat Act. The Collector was of the view that as the petitioner failed to submit caste validity certificate within six months from the date of election as such he was not qualified to continue as member.

5. The petitioner filed appeal against the said order to the Additional Commissioner, Pune Region, Pune. An application for interim relief was also presented. Vide order dated 5th May 2015, the Additional Commissioner, Pune rejected said application. Being aggrieved by the said, present petition is preferred.

6. Learned counsel for the petitioner has placed reliance on the judgment delivered by Division Bench (Coram: S.B.Mhase & D.G.Karnik, JJ) of this Court on 20th December 2007 in W.P.No.5691/2007 and other connected petitions. The issue raised on merits as to whether disqualification order passed by the Collector is correct or not should be decided in appeal which is pending before the Additional Commissioner. In the facts, we are of the view that the Commissioner would finally dispose of the appeal filed by the petitioner on its own merits.

7. The Additional Commissioner, Pune seized with the appeal filed by the petitioner is directed to finally dispose of the appeal on its own merits after hearing all contesting parties within a period of three months from the date of receipt of copy of this order. It is clarified that we have not expressed any opinion on merits of the matter.

8. With the aforesaid observation and direction, petition is disposed of.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)

Sanjay Nanoskar, P.S..