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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10826 OF 2015

Shri Vivek Ganpati Potdar

.. Petitioner

Vs.

The Divisional Caste Scrutiny Committee  
Committee No.2 and ors.

.. Respondents

Mr. Sameer S. Tambekar for petitioner.  
Mr. Vikas Mali, AGP for State.

CORAM: NARESH H. PATIL &  
S. B. SHUKRE, JJ.

DECEMBER 04, 2015.

P.C.

1. The petitioner contends that he obtained caste certificate on 22/6/2015 from Sub Divisional Officer, Karveer Division, Kolhapur as belonging to Sonar. It is the petitioner's case that he wanted to contest elections to the Gram Panchayat and, therefore, he submitted a proposal on 8/7/2015 to Tahsildar, Gagan Bawada, Taluka – Gagan Bawada, Kolhapur along with all the necessary documentary evidence. The petitioner states that thereafter on the same day i.e. on 8/7/2015, he filed nomination. The

petitioner submits that his nomination was accepted and held valid in all respect. The elections to the Gram Panchayat were held on 25/7/2015. It is submitted that the petitioner got elected.

2. It is petitioner's contention that on 5/8/2015, the respondent no.2 – Tahasildar handed over the proposal submitted by the petitioner for verification of caste claim. Thereafter the petitioner rushed to the office of respondent no.1 – the Divisional Caste Scrutiny Committee and requested them to accept his proposal. The petitioner received a communication addressed by respondent no.1 on 24/8/2015, whereby it was intimated that as the petitioner failed to submit the proposal prior to the filing of the nomination papers, the Caste Scrutiny Committee would not be in a position to accept the said application. The petitioner raises challenge to the said communication by the present petition.

3. We have heard learned counsel for the petitioner and the learned AGP. The provision of Section 10-1A reads as under:-

**10-1A. Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate - Every**

person desirous of contesting election to a seat reserved for Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, along with the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah.XXIII of 2001).

Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 31<sup>st</sup> December, 2015, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination paper, shall submit, along with the nomination papers,-

- (i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and
- (ii) an undertaking that he shall submit, within a period of six months from date on which he is declared elected,

the Validity Certificate issued by the Scrutiny Committee;

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member.

4. We are not expressing any opinion as to whether the petitioner has complied with the provision of Section 10-1A of the Maharashtra Village Panchayat Act. The issue before us is, in case the petitioner – elected member of the Gram Panchayat is desirous to get his caste claim verified, whether he should be permitted to submit his proposal to the Caste Scrutiny Committee. With this view, we have approached the facts of the case. In this view of the matter, the learned AGP submits that in case the petitioner, without any pre-condition, submits an application to the Caste Scrutiny Committee, then the said Committee, in the normal course, would accept such a proposal for verification of the caste certificate and deal with the same in accordance with law.

5. We, therefore, observe that respondent no.1 shall accept the proposal for caste scrutiny submitted by the petitioner within fifteen (15)

days from today. The Committee shall expeditiously decide such a claim preferably within six months from the date of submission of such proposal on its own merits and in accordance with law. We do not express any opinion on the merits of the proposal which would be submitted by the petitioner for caste scrutiny.

6. We make it clear that this court has not expressed any opinion in respect of the consequences of petitioner purportedly approaching the Tahasildar by filing an application for verification of his caste claim. The issue as to whether the petitioner, in fact, approached the Tahasildar or not is also kept open.

7. We direct the Collector, Kolhapur to look into the matter in accordance with law.

8. With these observations and directions, petition stands disposed of.

9. All concerned to act upon an authenticate copy of this order.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)