

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.3047/2014

Jyoti w/o Ganesh Sarode Vs. State of Maharashtra and others.

Notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's
 Orders.

Shri R. L. Khapre, Advocate for the petitioner.
 Shri Khubalkar, AGP for the respondent nos. 1, 3 & 5.
 Shri S.D. Chande, Advocate for the respondent no.6.

CORAM: SMT. VASANTI A. NAIK &
A.M. BADAR , JJ.

DATED: MARCH 19, 2015.

By this petition, the petitioner has sought a declaration that the provisions of Section 10-1A and Section 30-1A of the Bombay Village Panchayat Act are directory in nature. The petitioner has also challenged the order of the respondent no.2-the Additional Collector, Washim disqualifying the petitioner from the post of Sarpanch of the Gram Panchayat on the ground that the petitioner did not produce the validity certificate within the specified time.

While issuing notice to the respondents, this Court had by an order dated 7.7.2014 granted interim relief thereby staying the effect and operation of the order of the Additional Collector. The petitioner has, therefore,

continued to function as Sarpanch of the village in terms of the interim order. During the pendency of the writ petition, the Caste Scrutiny Committee has validated the caste claim of the petitioner and the caste validity certificate is issued in favour of the petitioner on 20.2.2015. A copy of the caste validity certificate is tendered by the learned counsel for the petitioner on record along with the pursis.

Since the caste certificate of the petitioner has been validated, it would be necessary to permit the petitioner to work as Sarpanch of the Gram Panchayat without deciding the question whether the provisions of Section 10(1A) and 30(1A) of the Act, are mandatory or directory.

Hence, we partly allow the writ petition by holding that the petitioner would be entitled in the circumstances of the case to hold the post of the Member and the Sarpanch of the Gram Panchayat. The impugned order of the Additional Collector shall not be acted upon.

Order accordingly. No order as to costs.

JUDGE

JUDGE

Ambulkar