

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 775 of 2016

Sangita w/o. Amber Jadhav,
Age : 45 years,
Occupation : Agriculture,
R/o. Kanhobachiwadi,
Taluka : Shirur (Kasar),
District : Beed.

.. Petitioner.

versus

1. The State of Maharashtra
(Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai).
2. The State Election Commission
of Maharashtra
(Through its Returning Officer,
Extension Officer, Panchayat Samiti,
Shirur Kasar, Dist. Beed).
3. The Collector,
Beed.
4. The Tahsildar,
Shirur (Kasar), Dist. Beed.

.. Respondents.

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Mr. Vijay A. Dhakne, Advocate, for the petitioner.

*Mr. V.H. Dighe, Asst. Government Pleader, for
respondent nos.1, 3 and 4.*

Mr. S.T. Shelke, Advocate, for respondent no.2.

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 19TH JANUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. Heard the learned Counsel for respective parties.
2. Mr. Dhakne, the learned Counsel for the petitioner, submits that in view of proviso to Section 10-1A of the Maharashtra Village Panchayats Act, 1958, the petitioner is eligible to fill in the form from reserved category pending her proposal for validation before the Scrutiny Committee. In similar circumstances, the Returning Officer has accepted nomination forms of other candidates from reserved category without insisting for validity certificate. According to the learned Counsel for the petitioner, it is not in the hands of a litigant to get the validity within the stipulated period.
3. Mr. Dighe, the learned Asst. Government Pleader for respondent nos.1, 3 & 4 and Mr. Shelke, the learned Counsel for respondent no.2, submitted that the proviso to Section 10-1A of the Maharashtra Village Panchayats Act was in force up to 31st December 2015 and the same stands deleted from the statute book on and from 1st January 2016.
4. In view of the said aspect of the matter, the plea of the

(3)

W. P. No. 775 of 2016

petitioner cannot be entertained. The Writ Petition, as such, is dismissed.
No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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