

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

WRIT PETITION NO. 3849 OF 2016

Dropadabai Balaji Jelewad

Petitioner..

VERSUS

The State of Maharashtra & Ors.

Respondents..

.....
Mr Santosh Chhatrapati Bhosle, Advocate for the petitioner
Mr A. G. Magare, AGP for respondent/State
.....

CORAM : **A. V. NIRGUDE &
V. L. ACHLIYA, JJ.**

DATE : 5TH APRIL, 2016.

PER COURT:

. Heard. Issue notice to the respondents. Learned AGP waives service of notice for respondents No. 1 to 3/State.

2. Taken up for final hearing with the consent of the parties. The petitioner contested the election of Gram Panchayat in 2016 claiming to be a member of Other Backward Category. On the basis of this, she contested the election and got elected to a post which was reserved for Other Backward Classes. She sought validation of her

caste claim prior to filing of the nomination. She also assured the Election Officer and given undertaking that, she would submit the validation certificate within a period of six months. However, she failed to submit the caste validity certificate as the Committee has not decided her claim within six months. The respondent No. 3 directed her to produce the validation certificate else action would be taken against her.

3. The issuance of validation certificate is entirely at the discretion of respondent No. 2 and the petitioner is helpless if such certificate is not issued within the stipulated time. Therefore, the petitioner cannot be penalized for default on the part of Committee to decide the claim within the stipulated period provided under the Village Panchayat Act.

4. In view of above, we direct respondent No. 2 to decide the claim of petitioner within a period of one year from today and further direct the respondent No. 3 not to take coercive action against the petitioner till the Committee decides the caste claim of petitioner and pass appropriate order. Needless to mention that based on outcome of decision of Committee the authority will be at liberty to take further decision in the matter.

5. Writ Petition stands disposed of in the aforesaid terms.

[V. L. ACHLIYA, J.]

[A. V. NIRGUDE, J.]