

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10563 OF 2016

Shaikh Nasir S/o Shaikh Lal	Petitioner
<u>Versus</u>	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.9798 OF 2016

Mehrunnisa D/o Yasin Sayyed	Petitioner
<u>Versus</u>	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.9810 OF 2016

Baig Sameer Mirza Latif	Petitioner
<u>Versus</u>	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.9802 OF 2016

Kalpana W/o Sunil Dhonde	Petitioner
<u>Versus</u>	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.9800 OF 2016

Shafiyabi Ansar Kureshi	Petitioner
<u>Versus</u>	
The State of Maharashtra and others	Respondents

Mr.A.A. Aghav advocate for the petitioners

Mr.K.N. Lokhande, Mr. S.B. Pulkundwar, Assistant Govt. Pleaders the
for Respondents

**CORAM : R.M. BORDE &
K.K. SONAWANE, JJ**

(Date : 17th October, 2016.)

PER COURT

1 The petitioners are the Members of Nagar Panchayat and have been elected as against reserved vacancies. The caste certificate verification proposals are stated to be pending with the scrutiny committee. As a result of failure of the petitioners to submit the caste validity certificates, the Collector has initiated proceedings in respect of disqualification of the petitioners as the Members.

2 The petitioners do not have any control over the proceedings pending before respondent scrutiny committee and it is unreasonable to expect the petitioners to secure decision in the matters from respondent scrutiny committee within time frame stipulated.

3 In the matter of **Dadasaheb Arjun Gulve Vs. The State of Maharashtra** (reported in 2008 (2) Bom. C.R. 712), this Court has held the requirement of production of validation certificate within stipulated time, as directory. Similar view has been adopted by the learned single Judge of this Court in the matter **Alka w/o Rajkaran Kshirsagar Vs. Sau. Shalini w/o Mahadeo Lokhande & others** (Writ Petition No.3963 of 2013 decided on 16.9.2016.) Though a different view has been expressed by another Division Bench and matter is referred to the larger bench, there is no finality reached in respect of the view expressed by the Division Bench in the earlier matter. Considering the order passed by the Division Bench in the identical matter, petitioners need to be protected pending finalization of the caste certificate verification proposals.

4 In view of above, the petitions stand disposed of with direction to respondent No.2 scrutiny committee to decide the caste certificate verification proposals of the petitioners pending with the committee as expeditiously as possible and preferably within a period of four months from today. The petitioners undertake to cooperate with the scrutiny committee in final disposal of the caste certificate verification proposals. Till the

caste certificate verification proposals are decided by the scrutiny committee and subject to the final result, no adverse action shall be taken against the petitioners.

5 With the directions as above, the writ petitions are disposed of.

(K. K. SONAWANE, J)

(R.M.BORDE, J)

vbd