

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10076 OF 2016

Sarika Shivaji Dongare @
Vithabai D/o Ramrao Misal,
Age: 37 years, occu: household and
Member of Grampanchayat,
R/o Hoptewadi, Post Moha,
Tal. Jamkhed, Dist. Ahmednagar

Petitioner

Versus

- 1 The State of Maharashtra,
through its Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai 32
- 2 The Scheduled Caste, OBC,
SBC, VJNT, Caste Certificate
Scrutiny Committee No.1,
Aurangabad Division, Aurangabad
- 3 The Additional Collector,
Ahmednagar

Respondents

Mr.S.S. Thombre advocate for the petitioner
Mr.S.G. Karlekar, Assistant Govt. Pleader for Respondents

**CORAM : R.M. BORDE &
V.K. JADHAV, JJ**

(Date : 4th October, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken up
for final decision, at admission stage.

3 The petitioner claims to belong to Vanjari caste which is included in NT(D) category and is in receipt of a certificate issued by the Competent Authority certifying accordingly. The petitioner has been elected as a Member of Village Panchayat Moha Tq. Jamkhed, District: Ahmednagar as against a reserve category seat. The caste certificate verification proposal forwarded by the petitioner is stated to be pending with respondent No.2 scrutiny committee since July, 2015 and no decision has been recorded as yet. As a result of failure of the petitioner to submit validation certificate, the Collector, Ahmednagar held the petitioner disqualified to continue as a Member of village Panchayat as provided under section 10(1)(A) of the Maharashtra Village Panchayat Act, 1958.

4 It must be noted that, the caste certificate verification proposal is pending with the scrutiny committee since July, 2015 and no decision is rendered as yet. The petitioner does not have any control over the proceedings pending before respondent No.2 committee and it is unreasonable to expect the petitioner to secure a decision in the matter from respondent No.2 committee within time frame stipulated.

5 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.)

6 In this view of the matter, the action of Collector holding the petitioner disqualified to continue as a Member of village Panchayat is unsustainable and deserves to be quashed and set aside. The order dated 15.9.2015 is quashed and set aside. Respondent No.2 is directed to decide the caste certificate verification proposal of the petitioner pending with the committee, as expeditiously as possible and preferably within a period of one year from today. The petitioner undertakes to cooperate the scrutiny committee in disposal of the proposal.

7 Rule is accordingly made absolute.

8 There shall be no order as to costs.

(V.K. JADHAV, J)

(R.M.BORDE, J)