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

**WRIT PETITION NO. 12235 OF 2016**
**WRIT PETITION NO. 12236 OF 2016**
**WRIT PETITION NO. 12239 OF 2016**

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**WRIT PETITION NO. 12235 OF 2016**

Sudam s/o. Shahaji Raut .. Petitioner
Age. Major, Occ. Agri.,
R/o. Village Apati, Tq. Jamkhed,
Dist. Ahmednagar.

Versus

1. The State of Maharashtra .. Respondents
   Through its Principal Secretary,
   Rural Development Department,
   Mantralaya, Mumbai-32.

2. The Caste Certificate Scrutiny Committee,
   Nashik Division Committee No.1, Nashik.

3. The Additional Divisional Commissioner,
   Nashik Division, Nashik.

4. The Additional Collector,
   Ahmednagar.

5. The Tahsildar,
   Tahsil Office, Jamkhed,
   Dist. Ahmednagar.

**WITH**
**WRIT PETITION NO. 12236 OF 2016**

Taibai Pravin Khavale, .. Petitioner
Age. Major, Occ. Agril & Household,
R/o. Village Apati, Tq. Jamkhed,
Dist. Ahmednagar.

Versus

1. The State of Maharashtra .. Respondents
   Through its Principal Secretary,
   Rural Development Department,
   Mantralaya, Mumbai-32.

2. The Caste Certificate Scrutiny Committee,
   Aurangabad Division Committee No.1,
   Aurangabad.

3. The Additional Collector,
   Ahmednagar.

4. The Tahsildar,
   Tahsil Office, Jamkhed,
   Dist. Ahmednagar.

**WITH**
**WRIT PETITION NO. 12239 OF 2016**

Saroj Kisan Kale .. Petitioner
Age. Major, Occ. Agril & Household,
R/o. Village Apati,
Tq. Jamkhed, Dist. Ahmednagar.

Versus

1. The State of Maharashtra .. Respondents
   Through its Principal Secretary,
   Rural Development Department,
   Mantralaya, Mumbai-32.

2. The Caste Certificate Scrutiny Committee,
Nashik Division Committee No.1, Nashik.

3. The Additional Divisional Commissioner,
Nashik Division, Nashik.

4. The Additional Collector,
Ahmednagar.

5. The Tahsildar,
Tahsil Office, Jamkhed,
Dist. Ahmednagar.

Mr.V.S. Undre, Advocate for the petitioners.
Mr.A.S. Shinde, AGP for respondent/State (WP12235/16)
Mr.S.B. Yawalkar, AGP for respondent/State (WP12236/16)
Mr.S.B. Pulkundwar,AGP for respondent/State (WP12239/16)

**CORAM : R.M. BORDE &**
**Z.A. HAQ,JJ.**
**DATED : 09.12.2016**

**ORAL JUDGMENT :-**

1. Heard.

2. Rule. Rule made returnable forthwith. With consent of the parties, the petitions are taken up for final disposal at admission stage.

3. The petitioners are members of Village Panchayat and have been elected as against seats prescribed for the reserved category. Since the petitioners could not submit Validation Certificates within the time prescribed under

section 10(1-A) of the Maharashtra Village Panchayats Act, the Additional Collector took up the proceedings for holding them disqualified to continue as members and by virtue of order dated 15.09.2016 directed cancellation of membership of the petitioners with retrospective effect from the date of their nomination.

4. In Writ Petition No.12235 of 2016, the petitioner is in receipt of the Validation Certificate issued by the competent Scrutiny Committee. However, the certificate has been issued two days after the order of disqualification impugned in the petition was issued by the Collector. In other two matters, it is stated that the verification claims of the petitioners are pending with the competent Scrutiny Committee.

5. It is not within the reach of the petitioners to secure the Validation Certificates within the time prescribed under section 10(1-A) of the Act and it is for the Scrutiny Committee to take decision in the matter after considering merits of the claim.

6. In the matter of **Dadasaheb Arjun Gulve Vs. State of Maharashtra & Ors. Vs. State of Maharashtra, 2008(2) Bom.C.R.712**, the Division Bench of this Court has held the requirement of production of validation certificate

within stipulated time, as directory. Similar view is adopted by the learned Single Judge of this Court in the matter of **Alka w/o. Rajkaran Kshirsagar Vs. Sow. Shalini w/o. Mahadeo Lokhande, Writ Petition No.3963 of 2013** decided on 16.09.2013. Although the Division Bench of this Court in another matter has expressed contrary view, the matter has been referred for consideration to the Full Bench and the decision is awaited.

7. In view of the facts and circumstances, in our considered view, the orders impugned in these petitions passed by the Additional Collector holding the petitioners' disqualification to continue as member of the Village Panchayat with retrospective effect deserve to be quashed and set aside and the orders impugned are quashed and set aside.

8. In Writ Petition No.12236 of 2016 and Writ Petition No.12239 of 2016, the Scrutiny Committee is directed to take decision in respect of caste/tribe certificate verification proposals of the concerned petitioners in accordance with the provisions of law as expeditiously as possible, preferably within four months from today. It is accordingly directed. Respective petitioners undertake to co-operate the Scrutiny Committee in disposal of the proposals expeditiously.

9. Rule is accordingly made absolute in all the matters. There shall be no order as to costs.

**[Z.A. HAQ,J.]** **[R.M. BORDE,J.]**

snk/2016/DEC16/wp12235.16