

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 4239 OF 2016**

Madhuri Dhananjay Nalawade ..Petitioner  
Versus  
State of Maharashtra through its  
Secretary, Tribal Development Department,  
Mantralaya, Mumbai – 400 032 and ors. ..Respondents

Mr. R. K. Mendadkar, advocate for the petitioner.  
Mr. P. G. Sawant, AGP for the State.

**CORAM : RANJIT MORE,**  
**DR. SHALINI PHANSALKAR-**  
**JOSHI, J J.**

**DATE : 15<sup>th</sup> APRIL, 2016.**

**P. C. :**

Heard Mr. Mendadkar, learned counsel for the petitioner  
and Mr. Sawant, learned AGP for the State.

2. The petitioner was granted caste certificate as belonging to Thakar, Scheduled Tribe on 15<sup>th</sup> July, 2013. The school, in which the petitioner was serving, sent this caste certificate to respondent No.2-committee for its verification on 27<sup>th</sup> September, 2013. The petitioner thereafter resigned this service and contested elections and was elected as member of Gram Panchayat Kanheri from Scheduled Tribe category.

Subsequently, the petitioner was elected as Sarpanch. Under the relevant provisions of the Maharashtra Village Panchayat Act, the elected candidates must submit the caste validity certificate within six months from the date of election. If that is not done, disqualification is provided under Section 10 of the Maharashtra Village Panchayats Act.

3. The petitioner's grievance is that though her certificate was sent for verification as long back on 27<sup>th</sup> September, 2013, respondent No.2 has not taken any decision so far. The petitioner apprehends that in the absence of verification of the caste claim by respondent No.2, she will be disqualified as Sarpanch-member of the said Gram Panchayat. Therefore, the present petition is filed seeking direction to respondent No.2 to decide the caste validity claim of the petitioner expeditiously with further direction to respondent No.3-Collector not to take any adverse action including disqualification due to non-production of the caste validity certificate within six months from the date of elections.

4. Mr. Sawant, learned AGP makes a statement that since the claim of the petitioner is pending since last more than 2 ½ years, directions may be given to respondent No.2 to decide the petitioner's claim expeditiously.

5. In the above circumstances, we dispose of the petition by passing the following order :

1. Respondent No.2 shall decide the case validity claim of the petitioner in pursuance of the application made by Late Shewantabai Bandoji Chavan Primary Girls School as expeditiously as possible and, in any case, within six months from the date of receipt of this order.

2. Pending decision of the scrutiny committee regarding the petitioner's caste validity certificate, respondent No.3 shall not take any adverse action of disqualification against the petitioner on the ground that the petitioner has not submitted caste validity certificate within six months as per the provisions of Section 10-1-A of the Maharashtra Village Panchayats Act.

**(DR. SHALINI PHANSALKAR-JOSHI)**

**[RANJIT MORE, J.]**