

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION STAMP NO.12490 OF 2016

Jagdish C. Kawale

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. R.K.Mendadkar, Advocate for the Petitioner.

Mrs. Molina P. Thakur , AGP for the State.

**Coram : SHANTANU KEMKAR &
RANJIT MORE, JJ.**

Date : 26th APRIL, 2016.

P. C. :

Not on Board. Taken on board.

Parties through their counsel.

2 Rule. Rule made returnable forthwith. By consent of the parties, the petition is taken up for final hearing at the stage of admission itself.

3 The Petitioner claims that he was granted certificate of being member of Scheduled Tribe as he is belonging to Koli Mahadev caste, a Scheduled Tribe by the Competent Authority on 18.3.1997. The Petitioner contested election from Ward No.4 on 4.11.2015. He also submitted caste certificate dated 18.3.1997 and filed Undertaking and declaration dated 13.10.2015 to Dighi Gram Panchayat stating therein that he will produce his caste validity

certificate within six months failing which he may be disqualified retrospectively. Election of the said Gram Panchayat held on 4.11.2015 and when the result was declared, he was declared elected from the said ward unopposed as nobody contested against him. Before election took place, the Petitioner's certificate was sent for verification on 12.10.2015. The Petitioner apprehends that he will be disqualified as the validity of the caste has not been decided as on date and the Respondent No.4 has issued communication informing the petitioner that he should submit caste validity certificate on or before 26.4.2016 failing which he will be disqualified. The grievance of the Petitioner is that on one hand, the Respondent No.2 is not deciding Petitioner's caste validity claim and on the other hand, the Respondent No.4 is insisting upon production of the said certificate.

4 The learned AGP makes a statement that as the claim of the Petitioner is pending since 12.10.2015, the Respondent No.2-Committee may be directed to decide Petitioner's claim expeditiously.

5 In view of aforesaid, we dispose of the Petition by passing the following order:

- (I) Respondent No.2 shall decide caste validity claim of the Petitioner in pursuance of the application made by him as expeditiously as possible and in any case, within a period of six months from the date of receipt of the

copy of this order.

(II) Pending decision of the Scrutiny Committee regarding the Petitioner's caste validity certificate, the Respondent Nos.3 and 4 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.

6 With the aforesaid direction, the petition is disposed
of.

C.C. as per Rules.

[RANJIT MORE, J.]

[SHANTANU KEMKAR, J.]