

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5288 OF 2016

[Sau. Savita w/o Dattatraya Awhale .vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.R. Ingole, Advocate for the petitioner,
Shri A.M. Balpande, AGP for respondent nos.1, 2 and 4.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : DECEMBER 08, 2016.

The petitioner has challenged the order of the Collector disqualifying the petitioner as a member to the Gram Panchayat, on the ground that the petitioner has not produced the caste validity certificate.

Shri Ingole, the learned counsel for the petitioner, states that the petitioner is not at fault in not producing the caste validity certificate, as the Scrutiny Committee has failed to decide her claim, till date. It is stated that a direction may be issued against the Scrutiny Committee to decide the caste claim expeditiously and the respondents may be directed to protect the membership of the petitioner in the Gram Panchayat, till then.

If the Scrutiny Committee has not decided the caste claim of the petitioner, the petitioner would not be in a position to submit the caste validity certificate. Since the caste claim of the petitioner is said to be still pending, we dispose of the writ petition, with a direction against the respondent-Scrutiny Committee to decide the caste claim of the petitioner within one year. The impugned order is set aside. The membership of the petitioner in the Gram Panchayat is protected, till her caste claim is decided. Order accordingly. No costs.

JUDGE

JUDGE