

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

WRIT PETITION NO. 6797 OF 2016

Smt. Nalutai Vitthalrao Fuke (Ku.Nalini d/o Damodar Gomase)

-vs-

The State of Maharashtra, thr. the Additional Collector, Washim and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.P.Tathod, counsel for the petitioner.
Mrs.H.N.Prabhu, AGP for the respondent Nos.1 and 2.

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

DATE : 02.12.2016.

By this writ petition, the petitioner challenges the order of the Additional Collector, Washim disqualifying the petitioner under the provisions of section 10-1 (A) of the Maharashtra Village Panchayats Act.

The petitioner was elected as a member of the gram panchayat on a seat meant for the other backward classes and the petitioner was also elected as a sarpanch. At the relevant time, the petitioner did not possess the caste validity certificate but when the Collector, issued a show cause notice to the petitioner asking her to produce the caste validity certificate, the petitioner produced the caste validity certificate that was issued by the Scrutiny Committee in her favour on 19/05/2016. However, by the impugned order, the Collector has cancelled the membership of the petitioner on the gram panchayat on the ground that the caste certificate was not produced within the time stipulated by the provisions of the Act.

It appears that the Collector was not justified in cancelling the membership of the petitioner on the gram panchayat even after the petitioner tendered the caste validity certificate. The petitioner was not

at fault in not producing the caste validity certificate within the stipulated time, as the Scrutiny Committee had not decided the caste claim of the petitioner within a short time. After the petitioner secured the caste validity certificate on 19/05/2016, she produced the same before the Collector, but the Collector wrongfully cancelled her membership in the gram panchayat on the ground that she had failed to submit the caste validity certificate within six months. After the petitioner had tendered the caste validity certificate, there was no propriety in the action on the part of the Collector to cancel the membership of the petitioner on the gram panchayat. The impugned order is erroneous and is liable to be set aside.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned order is quashed and set aside. Order accordingly. No costs.

JUDGE

JUDGE