

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

WRIT PETITION NO. 6866 OF 2016

Prakash Devrao Pawar

-vs-

Additional Collector, Washim and another

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

Court's or Judge's Orders.

Mr. Amit V. Band, counsel for the petitioner.
Mrs. Bharti Dangre, GP & Mrs. H.N. Prabhu, AGP for the respondent No.1.

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

DATE : 07.12.2016.

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. 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 him to produce the caste validity certificate, the petitioner produced the caste validity certificate that was issued by the Scrutiny Committee in his favour on 20/05/2016. 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 20/05/2016, he produced the same before the Collector, but the Collector wrongfully cancelled his membership in the gram panchayat on the ground that he 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