

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

WRIT PETITION NO.6946 OF 2016

[Bebinanda w/o Purushottam Manwar .vs. Additional Collector, Washim 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 V.S. Giradkar, Advocate holding for Shri A.H. Lohiya, Advocate for the
petitioner,
Shri A.M. Joshi, A.G.P. for respondent nos.1 and 3.

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

DATED : DECEMBER 13, 2016.

By this writ petition, the petitioner seeks a direction against the Scrutiny Committee to decide the caste claim of the petitioner, at the earliest. The petitioner also challenges the order of the Additional Collector, dated 11.11.2016 cancelling the membership of the petitioner in the Gram Panchayat for not producing the caste validity certificate within six months from the date of the election.

The order of the Additional Collector is just and proper. It is held by the Full Bench of this Court in the case of Anant H. Ulahalkar and another .vs. Chief Election Commissioner and others, that the provisions of Section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 are mandatory and it would be necessary for an elected candidate to produce the caste validity certificate within six months from the date of the election.

Though the order of the Additional Collector cannot be set aside, a direction could be issued to the Scrutiny Committee to decide the caste claim of the petitioner within a time frame. Hence, we dispose of the writ petition with a direction against

the Scrutiny Committee to decide the caste claim of the petitioner within one year. Order accordingly. No costs.

JUDGE

Gulande, PA

JUDGE