

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.1745 OF 2017**Gayabai D/o Nagorao Suryawanshi @ Gayabai W/o Chandoba Pawar
Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.P.V.Jadhavar, advocate for the petitioner.
Mrs.V.N.Patil, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 08.02.2017.

PER COURT :

1. Heard.
2. Mr.Jadhavar, learned counsel submits that validation proceedings in respect of caste claim of the petitioner as belonging to Matang – Scheduled Caste is pending since 2012. The same is not yet decided and the petitioner is disqualified to be a member and Sarpanch of the Grampanchayat only on the ground that validation proceedings are not decided. According to the learned counsel, it is not the fault of the petitioner for validity proceedings not being decided. Initially, the said proceedings were before the District Level Committee. The same were transferred to the Divisional Committee and now again the said proceedings are

transferred to the District Committee. The learned counsel seeks stay to the order dated 17.1.2017, disqualifying the petitioner and alternatively submits that election to the post held by the petitioner should not be held.

3. We have heard learned A.G.P.

4. It appears that the petitioner has enjoyed the term for four and half years.

5. In view of the judgment of the Full Bench of this Court in the case of **“Anant Ulahalkar and another Vs. Chief Election Commissioner and others”** reported in **2017 (1) Mh.L.J. 431**, the disqualification on lapse of six months is axiomatic.

6. The Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously, preferably within seven (7) months. The petitioner shall appear before the Committee on 27.2.2017.

7. The Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.08.02.2017.
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