

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION ST. NO.7802 OF 2017

Pratap s/o Prabhakar Choure ... PETITIONER

VERSUS

The State of Maharashtra
and others ... RESPONDENTS

.....
Shri Y.K. Bobade, Advocate for petitioner
Shri A.P. Basarkar, A.G.P. for State
.....

CORAM: S. B. SHUKRE, J.

DATED: 10th March, 2017.

ORAL ORDER :

1. Heard learned counsel for the petitioner. It is his contention, strongly made, that, as per Section 12-A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, there is no provision for submitting the caste validity certificate within a period of six months after the declaration of the result of the elections. He places reliance upon 2009 Edition of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. It was pointed out to him that, the proviso to this Section has been inserted by Maharashtra Amendment Act 21 of 1961, which lays down that a caste validity certificate could be produced by the elected candidate within six months from the date on which he/

she is declared elected.

2. In the present petition, it is the contention of the learned counsel for the petitioner that this caste validity certificate was not produced by the respondent No.5 at the time of submitting of her nomination paper. Learned counsel for the petitioner is also not willing to concede to the fact that there is an amendment effected. However, I must point out, there is an amendment and it provides for breathing time of six months for an elected candidate. This time of six months is yet to be over and, therefore, there is no substance in this petition.

3. It is also the contention of learned counsel for the petitioner that the undertaking as required under Section 12A has not been submitted by the petitioner. However, from the documents filed on record, nothing could be seen so as to support this contention. On the contrary, the verification form Exhibit C (Page 52) shows that there is a remark that, receipt has been filed on record. Therefore, I do not see any merit in this writ petition. The writ petition stands dismissed summarily.

(S. B. SHUKRE)
JUDGE