

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

WRIT PETITION NO. 4029 OF 2017

Asaram Laxman Sadavarte .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. D. Tawashikar, Advocate h/f Shri A. R. Devakate,
Advocate for the Petitioner.

Shri V. M. Kagane, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 23RD MARCH, 2017.

PER COURT :

. The learned counsel for the petitioner submits that, the petitioner is elected member of the Gram Panchayat. The seats which were held by reserved category candidates, who did not submit the validity certificate within six months axiomatically stood disqualified as per the provision of Sec. 10(1-A) of the Maharashtra Village Panchayat Act. The said seats are required to be filled in by holding election. The same is not being done. The learned counsel submits that, the Full Bench of this Court in a case of Anant H. Ulahalkar and another Vs. Chief Election Commissioner reported in 2017(1) Mh.L.J. 431 has held that, the said provision is mandatory and on lapse of six

months and validity not being submitted the member axiomatically stands disqualified.

2. The judgment of the full bench of this Court in a case of **Anant H. Ulahalkar and another Vs. Chief Election Commissioner** referred to supra has been stayed by the Apex Court. In view of that, as on today it cannot be said that those persons who have not submitted the validity within six months stood axiomatically disqualified. There are no orders passed of disqualification.

3. If the orders of disqualification are passed against such members and the said orders are not stayed, then in such a case the election could be held.

4. As the Apex Court has stayed the judgment of the Full Bench of this Court, the directions as sought by the petitioner at this stage cannot be granted. The petitioner is at liberty to take such steps in tune with the judgment that would be delivered by the Apex Court. The writ petition is disposed of. No costs.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]