

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10677 OF 2017
(Rangnath Laxman Chintamani Vs. The State of Maharashtra
and others)

Mr.M.G.Kasturkar h/f Mr.M.A.Kulkarni, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for State/respondent Nos.1 and 2.

(CORAM : Ravindra V.Ghuge, J.)
DATE : 04/09/2017

PER COURT :

1. The petitioner is aggrieved by the order dated 30/06/2017 passed by the District Collector, Aurangabad by which the prayer of the petitioner to disqualify respondent No.3, elected member of Village Panchayat, Agar Kanadgaon, has been rejected on the condition that respondent No.3 shall submit his caste validity certificate and subject to the same, he would continue to be a member of the Gram Panchayat.

2. The petitioner submits that the learned Full Bench of this Court, in Anant H.Ulahalkar Vs. Chief Election Commissioner [2017(1) Mh.L.J. (FB) 431] and others, has concluded that if the elected member of the Gram Panchayat does not produce his caste validity certificate upon being elected to the post reserved for the Scheduled Caste or a tribe within 6 months of the election, he would stand disqualified for non furnishing of the validity certificate u/s 10-1A.

3. However, learned AGP informs that the judgment of the Full Bench has been stayed by the Hon'ble Apex Court in pending SLP and that all such village panchayat members, who otherwise would have been disqualified by virtue of the view taken by the Full Bench, have now been protected. Learned Advocate for the petitioner does not dispute this aspect.

4. Considering the above, I do not find that the Collector has committed any error in protecting respondent No.3. It would be obvious that if the Hon'ble Apex Court upholds the view taken by the learned Full Bench, respondent No.3 would stand disqualified for having not filed the validity certificate within 6 months from the date of election. However, if any different view is taken by the Hon'ble Apex Court, respondent No.3 would be governed by the said law as would be laid down. The petitioner can then raise a grievance pursuant to the decision of the Hon'ble Apex Court in the pending SLP. This petition, therefore, need not be kept pending and can be disposed of as the petitioner would have a remedy pursuant to the decision of the Hon'ble Apex Court.

5. This petition, being devoid of merit, is therefore dismissed.

(Ravindra V.Ghuge, J.)