

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

BENCH AT AURANGABAD.

WRIT PETITION NO.8770 OF 2017

Vilas S/o Hukumchand Gujar ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

...

WITH

WRIT PETITION NO.8771 OF 2017.

Mr.Kalyan Patil, advocate holding for
Mr.S.R.Barlinge, advocate for the petitioner in
W.P.No.8770/17.

Mr.S.W.Munde, A.G.P. for the State.

Mr.R.R.Suryawanshi, advocate for Petitioners in
W.P.No.8771 of 2017.

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**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 20.11.2017.

PER COURT :

1. The petitioners are elected members of the Grampanchayat. On the ground that within a period of six (6) months from the date of their election, they have not submitted validity

certificates as required under proviso to Section 10-1A of the Maharashtra Village Panchayats Act, 1958, the petitioners are disqualified.

2. The learned counsel for the petitioners in both these petitions submit that subsequently they have been granted validity certificates. The petitioners were protected under the orders of this Court and election of their posts were never held.

3. Learned A.G.P. submits that proviso to Section 10-1A of the Maharashtra Village Panchayats Act, would squarely apply.

4. The Full Bench of this Court in a case of **"Anant H.Ulahalkar and another Vs. Chief Election Commissioner and others"** reported in **2017(1) Mh.L.J.431**, had held that the proviso to Section 10-1A of the Maharashtra Village Panchayats Act, is mandatory, however, the judgment of the Full Bench of this Court is stayed by the Apex Court in Special Leave to Appeal Nos.29874-29875 of 2016.

5. In light of the above, the impugned orders disqualifying the petitioners on the ground of Section 10-1A of the Maharashtra Village Panchayats Act, are quashed and set aside.

6. In case the Supreme Court upholds the judgment of this Court referred to supra then the authorities can take further course of action depending upon the said judgment.

7. Rule accordingly made absolute in above terms. No costs.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

