

UNREPORTED**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.12157 OF 2017.**

Sharda Anil Garje,
Age major, Occ.Housewife
and Agril., R/o Mohoj
Devadhe, Tq.Pathardi,
District Ahmednagar. ... Petitioner.

Versus

1. The State of Maharashtra
through the Secretary
Rural Development Department,
Mantralaya, Mumbai-32.

2. Caste Certificate Scrutiny
Committee, Nashik Division,
Nashik Committee No.1,
Nashik.

3. The Divisional Commissioner,
Nashik Division, Nashik.

4. The Additional Collector,
Ahmednagar.

5. The Tahsildar, Pathardi,
Tq. Pathardi, District
Ahmednagar. ... Respondents.

...

Mr.A.P.Avhad, advocate for the Petitioner.
Mr.P.S.Patil, Additional Government Pleader for
the State.

...

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

Date : 27.11.2017.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Rule. Rule returnable forthwith. With the consent of the learned counsel for the parties, the petition is taken up for final hearing.

2. The petitioner is disqualified on the ground that validity certificate is not submitted within six (6) months as required U/s 10-1A of the Maharashtra Village Panchayats Act.

3. Learned counsel submits that though Full Bench of this Court in the 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.

4. We have heard learned Additional Government Pleader.

5. It is submitted that after lapse of six (6) months the petitioner has been issued with the validity certificate by the Committee.

6. In light of the above we pass the following order :

(a) The impugned order disqualifying the petitioner on account of non-submission of validity certificate within six (6) months is quashed and set aside. In case the Apex Court upholds the judgment of the Full Bench of this Court, liberty to the Respondents to take fresh action.

(b) Rule accordingly made absolute in above terms. NO costs.

Sd/-

(S.M.GAVHANE, J.)

Sd/-

(S.V.GANGAPURWALA, J.)

