

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11381 OF 2016
(Vastalabai Lahu Barde, Vastalabai Nathu Mali Vs. The
State of Maharashtra and others)

Mr. D.G. Nagode, Advocate for the Petitioner
Mr. A.R. Borulkar, A.G.P. for respondent Nos. 1 to 3
Mr. N.S. Shah, Advocate for respondent No. 4

CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.

DATE : 7th FEBRUARY, 2017

PER COURT :

Heard.

2. The petition is filed for issuance of directions to the Collector, Ahmednagar to allow the petitioner to continue as member of Village Panchayat, by quashing and setting aside the order dated 16th September, 2016 passed by the Collector in disqualification proceedings.

3. The learned A.G.P. produces on record a copy of the decision rendered by the Full Bench of this Court at Principal Seat in *Writ Petition No. 10478/2014 (Anant H. Ulahalkar and another Vs. Chief Election Commissioner and others)*. The Full Bench has considered and

interpreted Section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and held that the provision is mandatory in nature. It is held that if within a period of six months, the caste validity certificate is not produced, the elected member stands disqualified and the disqualification relates back to the date of election.

4. In view of the position of law, discussed hereinabove, the contention of the learned counsel for the petitioner that there was no fault on the part of the petitioner for issuance of wrong certificate by the Sub-Divisional Officer, cannot be considered. In this view of the matter, though the Scrutiny Committee did not decide the tribe/caste claim of the petitioner on merit, it has directed the petitioner to resubmit her claim after obtaining the proper caste certificate.

5. In the result, the Writ Petition is devoid of merit and the same being without substance, stands dismissed. No costs.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE