

UNREPORTED**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.12524 OF 2016**

Smt.Indubai W/o Vishnu
Bobade, Age 40 years,
Occ.Household, R/o
Pimpalgaon (Alwa), Tq.
Jamkhed, Dist.Ahmednagar. ... Petitioner.

Versus

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

2. The 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,
Jamkhed, Tq.Jamkhed,
Dist.Ahmednagar. ... Respondents.

...

Mr.N.V.Gaware, advocate for the petitioner.
Mr.P.S.Patil, Additional Government Pleader for
the State.

...

**CORAM : S.V.GANGAPURWALA AND
SMT.VIBHA KANKANWADI, JJ.**

Date : 02.11.2017.

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 elected as a Member of the Village Panchayat from reserved category. On account of non-submission of validity certificate within a period of six (6) months as provided U/s 10-1A of the Maharashtra Village Panchayats Act, the petitioner is disqualified. Mr.Gaware, learned counsel submits that subsequently the petitioner is issued the validity certificate.

3. The 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 provisions of Section 10-1A of Maharashtra Village Panchayats

Act, to be mandatory and the said judgment is stayed by the Apex Court in Special Leave to Appeal Nos.29874-29875 of 2016.

4. In light of that, the impugned order is quashed and set aside. The Respondent-authority is at liberty to take further course of action depending upon the judgment that would be delivered by the Apex Court in the above referred matters.

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

Sd/-

Sd/-

(SMT.VIBHA KANKANWADI, J.) (S.V.GANGAPURWALA, J.)

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