

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

**WRIT PETITION NO. 12716 OF 2016**

Sou. Chaya w/o. Sambhaji Gaikwad .. Petitioner  
Age. 34 years, Occ. Household & Social Work,  
R/o. Narayanwadi, Tq. Newasa,  
Dist. Ahmednagar.

Versus

01. The Additional Commissioner, .. Respondents  
Nasik Division,  
Nasik.
02. The Additional Collector,  
Ahmednagar,  
Dist. Ahmednagar.
03. The Tahsildar,  
Newasa Taluka, Tal. Newasa,  
Dist. Ahmednagar.
04. The Village Panchayat,  
Narayanwadi, Tq. Newasa,  
Dist. Ahmednagar,  
Through its Village  
Development Officer

Mr.Rajendra S. Kasar, Advocate for the petitioner.  
Mr.S.K. Tambe, A.G.P. for the respondent/State.

**CORAM : S.B. SHUKRE,J.  
DATED : 13.02.2017**

**ORAL JUDGMENT :-**

1. Heard. Rule. Rule made returnable forthwith and heard finally by consent.

2. The order of incurring disqualification of the petitioner has been passed only because of the reason that the petitioner remained absent and did not point out to the authority that she did in-fact submit the caste validity certificate on 15.12.2015, about 20 days before expiry of period of six months, this period was to expire on 05.01.2016. It appears that the authority also did not consider the document already available on its record. If it is true that the petitioner had submitted caste validity certificate on 15.12.2015, her disqualification would not only be patently illegal but also would cause great prejudice to political career of the petitioner. Therefore, it is necessary that the matter is re-examined, proper opportunity is given to the petitioner and then appropriate order is passed.

3. In this view of the matter, the impugned orders are hereby quashed and set aside, the matter is remanded back to the Additional Collector, Ahmednagar for reconsideration of the issue involved, in accordance with the law. The decision shall be taken within four weeks

(3)

wp12716.16

from the date of appearance of the petitioner. The petitioner shall appear before respondent No.2 on 06.03.2017.

4. The writ petition is allowed. Rule made absolute accordingly. No costs.

**[S.B. SHUKRE, J.]**