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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 514 OF 2017

Manda Subhash Patil

...Petitioner

Vs.

State of Maharashtra & Ors.

...Respondents

Mr. R.K. Mendadkar, Advocate for the Petitioner

Mr. V.N. Sagare, AGP for Respondent No.1

Mr. Mayur Jadhav h/f. Mr. S.B. Shetye, Advocate for
Respondent No.3 (S.E.C.)

CORAM : B.R.GAVAI &

M.S. KARNIK, JJ.

DATED: 14TH AUGUST, 2017

P.C.:

1. The Petitioner has prayed for a writ of mandamus directing the Respondent No.2 Corporation to verify and pass an order disqualifying the Respondent No.4 in terms of Section 5B of the Maharashtra Municipal Corporation Act retrospectively since the Respondent No.4 did not submit caste validity certificate within a period of six months from the date of declaration of election results.

2. Learned Counsel for the Petitioner relied on the

judgment of the Larger Bench of this Court in the case of **Anant H. Ulahalkar & Anr. Vs. Chief Election Commissioner & Ors. 2017(1) Mh.L.J. 431** decided on 9th December 2016.

3. No doubt Larger Bench of this Court has held Section 9(A) to be mandatory. However it is to be noted that the said judgment is challenged before the Honourable Apex Court and Honourable Apex Court has stayed the said order of the Larger Bench.
4. In view of the above the relief claimed in the Petition cannot be granted. The Petition is rejected.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)