

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.345 OF 2017**

Smt. Nirmala Vinod Sakat and others	..Petitioners
Versus	
The State of Maharashtra and others	..Respondents

Mr. R. V. Bansode for the Petitioners.
Mr. S. D. Rayrikar, AGP for the Respondents.

CORAM : R. M. SAVANT, J.
DATE : 12th JANUARY, 2017

PC.

1 Heard Mr. R. V. Bansode the Learned Counsel appearing for the Petitioners.

2 The order dated 13.12.2016 passed by the Additional Commissioner, Pune Division, Pune, rejecting the stay application filed by the Petitioners in the Appeal No.A.G.P./Satara/26/2016 is taken exception to by way of the above Petition. The said application has been filed challenging the order dated 11.01.2016 disqualifying the Petitioners under Section 10(1)(a) of the Maharashtra Village Panchayats Act, 1958 on account of non-submission of their Caste Validity Certificates. It is an undisputed position that when the Petitioners contested the elections, the Petitioners Caste Certificates were pending validation by the concerned Caste Scrutiny Committee and therefore Petitioners had alongwith their nomination filed receipt issued by the office of the Caste Scrutiny Committee that their validation proceedings are pending. Now all the

Petitioners have been issued the Caste Validity Certificates validating the Caste Certificates issued to them as belonging to the castes which are mentioned in their individual Caste Certificates. The Petitioners seem to have submitted the Caste Validity Certificates, but belatedly on 18.05.2016 when the last date it seems was 06.02.2016. However the fact remains the Petitioners have now been issued the Caste Validity Certificates. The impugned order rejecting the stay application is a non-speaking order. In my view, it would be just and proper to set aside the said order and grant stay of their disqualification having regard to the facts and circumstances as mentioned above, the stay would operate pending consideration of the Appeal filed by the Petitioners before the Additional Commissioner, Pune Division, Pune. The Additional Commissioner, Pune Division, Pune, is directed to hear and decide the said Appeal expeditiously. Grant of stay by this Court should not be construed as any expression of opinion on merits of the case of Petitioners. The Appeal to be decided on its own merits and in accordance with law. With the aforesaid directions, the Writ Petition is disposed of.

3 Parties to act on a copy of this order duly authenticated by the Court Shirestedar.

[R.M.SAVANT, J]