

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1192 OF 2017**

Sultan Kutbuddin Korabu

..Petitioner

Vs.

**The Additional Commissioner,
Pune Division, Pune & Ors**

..Respondents

Mr. Prashant Bhavake for the Petitioner

Ms Anjali R. S. Baxi for the Respondent No.2

Mr. S. D. Rayrikar AGP for the Respondent Nos.1, 3 and 5

CORAM : R. M. SAVANT, J.

DATE : 27th JANUARY, 2017

P.C.

1 The order dated 16-11-2016 rejecting the application for stay filed by the Petitioner passed by the Additional Commissioner, Pune Division, Pune is taken exception to by way of the above Petition.

2 The said application for stay was moved in an Appeal filed by the Petitioner under Section 16(2) of the Maharashtra Village Panchayat Act, against the order dated 10-10-2016 passed by the Additional Collector, disqualifying the Petitioner under Section 10-1A read with Section 16 of the said Act. The said disqualification is on the ground that the Petitioner has not produced the receipt of having submitted his caste certificate for validation before the appropriate cast scrutiny committee, at the time of filing of his nomination. It seems that after the passing of the said order dated 10-10-2016

by the Additional Collector – Kolhapur, the caste scrutiny committee has rejected the application filed by the Petitioner for validation of his caste certificate as belonging to Mujawar-OBC.

3 It seems that the above Petition was moved on 8-12-2016 for urgent ad-interim reliefs, this Court had granted interim stay pending the Appeal filed by the Petitioner. However, thereafter as indicated above, the Appeal filed by the Petitioner for validation of his caste certificate as belonging to Mujawar, has been rejected by the caste scrutiny committee on 21-12-2016. On 9-12-2016 a Full Bench of this Court has rendered its judgment interpreting Section 9-A of the Maharashtra Municipal Councils Nagar Panchayat and Industrial Townships Act, and has construed the said provision strictly and held that if the caste certificate is not produced within the time stipulated in the said provision, then the person who has contested a seat meant for reserved category, would stand disqualified with retrospective effect. The said Section 9-A of the Maharashtra Municipal Councils Nagar Panchayat and Industrial Townships Act, is parimateria to Section 10-1A of the Maharashtra Village Panchayat Act.

4 In view thereof, the issue being now covered by the Full Bench of this Court, no relief can be granted to the Petitioner. Hence the contention of the Learned Counsel for the Petitioner that since the Appeal is pending the ad-

interim stay which is in operation to continue, cannot be acceded to. In that view of the matter, no case for interference in the Writ Jurisdiction of this court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]