

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.570/2017

Anil s/o Kawdu Narule
..Vs..
State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri H.N. Potbhare, Adv. for the petitioner.
Ms. S.Z. Haider, A.G.P. for respondent No.1.

CORAM : Z.A.HAQ, J.
DATED : 30.1.2017.

The petitioner has challenged the order passed by the Additional Collector disqualifying the petitioner from continuing as Member of Gram-panchayat on the ground that though the petitioner is elected from a reserved seat he has not submitted the caste validity certificate within six months as required by Section 10 (1-A) of the Maharashtra Village Panchayat Act. According to the petitioner he is elected in August, 2015, the caste claim of the petitioner is validated by the Scrutiny Committee and the validity certificate is issued on 22nd April, 2016 and it is submitted to the Naib-Tahsildar / competent authority on 10th May, 2016. It is submitted that the proceedings for disqualification came to be initiated against him after the above procedure was completed and, therefore, the disqualification order is unsustainable in law.

The learned Advocate for the respondent No.2 caveator and the learned A.G.P. have submitted that the

contention of the petitioner cannot be accepted in view of the proposition laid down in the judgment given by the Full Bench of this Court in the case of *Anant H. Ulahalkar and another V/s. Chief Election Commissioner and others* reported in **2017(1) Mh.L.J.431**. In paragraph No.99 of the above judgment it is laid down as follows:

“The validation of caste claim of the elected Councillor by the Scrutiny Committee beyond the prescribed period would have no effect upon the statutory consequences prescribed under the second proviso to [Section 9-A](#) i.e. deemed retrospective termination of the election of such Councillor and his disqualification for being a Councillor. The subsequent validation or issue of the Validity Certificate will therefore be irrelevant for the purpose of restoration of the Councillor's election but, such validation will obviously entitle him to contest the election to be held on account of termination of his election and the consequent vacancy caused thereby.”

In view of the proposition laid down in the above judgment, the challenge raised by the petitioner cannot be considered. The petition is **dismissed**. No costs.

JUDGE