

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

CIVIL APPLICATION (CAW) NO. 1431 OF 2017

IN

WRIT PETITION NO.5938 OF 2016

(MRS. PAPITA VIVEK JAMBHULKAR & 4 OTH...VS.. STATE OF MAH. THR. ADDL. COLLECTOR &
ANR.)

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

Court's or Judge's orders

Shri Shashikant Borkar, Advocate for petitioners.
Ms T.H. Khan, A.G.P. for Respondent No.1.
Shri O.W. Gupta, Advocate for Respondent No.2.

CORAM : Z.A.HAQ, J.

DATED : NOVEMBER 14, 2017.

1. By order passed on 5th December, 2016 notice for final disposal was issued. The writ petition was taken up for hearing on 4th April, 2017 and Rule came to be issued. Now this Civil Application is filed praying for grant of early hearing.

2. The claim of the petitioner Nos. 1 to 4 is that they are disqualified illegally on the ground that they have not submitted the Caste Validity Certificates within six months as required by Section 10-1A of the Maharashtra Village Panchayats Act, 1958 (hereinafter referred to as "the Act of 1958"). The learned advocate for the petitioners submits that the judgment given by the Full Bench of this Court in the case of *Anant vs. Chief Election Commissioner*, reported in **2017(1) Mh.L.J. 431** holds that the provisions of Section 10-1A of the Act of 1958 are mandatory, however, in Petition for Special Leave to Appeal filed against that

judgment the Hon'ble Supreme Court has stayed the judgment and order passed by the Full Bench.

3. In view of the pendency of the petition for special leave to appeal before the Hon'ble Supreme Court and the interim order passed in it though the provisions of Section 10-1A of the Act of 1958 cannot be considered as mandatory. I find that the petitioner Nos. 1 to 4 have not given relevant dates about submitting the application to the Caste Certificate Scrutiny Committee to obtain Caste Validity Certificate. The petitioner Nos. 1 to 4 have not given dates on which the Caste Validity Certificates were received by them and when they submitted the Caste Validity Certificates to the concerned authorities.

4. As the relevant material is not available on the record, the civil application praying for grant of early hearing is dismissed.

JUDGE