

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

14 WRIT PETITION NO. 753 OF 2000

RAJANI SHANTARAM SONAWANE
VERSUS
VIJAYA DINKAR SONAWANE AND OTHERS

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None present.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 20, 2018

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PER COURT :-

1 None for the petitioner.

2 By this petition, the petitioner seeks to challenge the judgment dated 21.5.1999 delivered by the learned Joint Civil Judge J.D., Jalgaon in Election Petition No.1 of 1998. The petitioner had prayed before the trial Court that elections be declared by disqualifying respondent No.1 as Member of Village Panchayat on the ground that his caste certificate produced along with the nomination papers is false and bogus.

3 By the impugned judgment, the trial Court concluded that the caste certificate is not bogus and declined to invalidate the election of the elected candidates.

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4 The law is now settled in view of the learned Full Bench judgment of this Court in the matter of Anant H. Ulahalkar Vs. Chief Election Commissioner and others [2017 (1) Mah. L.J. 437], which was sustained by the Honourable Court in the matter of Shankar Raghunath Devre (Patil) Vs. State of Maharashtra - SLP(C) Nos.29874-29875 of 2016, delivered on 27.6.2018, by which any candidate contesting elections to a position, which is reserved for any reserved caste / tribe, has to submit his caste / tribe validity certificate within six months from the date of the result of the election, failing which, the said candidate stands disqualified from the date of the election.

5 Considering the passage of 20 years and since the tenure of election was of only five years from 1998, this petition is disposed off. Rule is discharged.

6 I, however, deem it appropriate to observe that in the event the grievance of the petitioner against the elected representative exists today with regard to subsequent elections and if any such grievance is voiced by resorting to a remedy as is permissible in law, the same would

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be considered by the competent Court in view of Anant H. Ulahalkar
and Shankar Raghunath Devre, (supra).

(RAVINDRA V. GHUGE, J.)

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