

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

WRIT PETITION NO. 2073 OF 2018

Smt. Tarabai Kisan Mali ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO. 2091 OF 2018

Smt. Saraswati Amar Nagargoje ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO. 2092 OF 2018

Smt. Shantabai Gorakh Ukande ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

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In all the matters:

Mr A. P. Avhad, Advocate for the petitioner
Mrs A. V. Gondhalekar, AGP for respondent/State

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 20TH FEBRUARY, 2018.

ORDER:

1. In all these matters, the learned counsel for the petitioner submits that, the petitioners have received the validity certificates of the respective caste claims. However, before they could receive the validity certificates, the Collector disqualified the petitioners on the ground that, the validity certificate is not produced within six months as required under proviso to Section 10-1A of the Bombay Village Panchayat Act, 1959 (in short "Panchayat Act"). The learned counsel submits that, the judgment of the full bench of this Court in the case of Anant H. Ulhalkar and another vs. Chief Election Commissioner and others reported in 2017(1) Mh.L.J. 431 has been stayed by the Apex Court in Civil Appeal No. 29874-29875 of 2016 under its order dt. 13.02.2017.

2. The learned AGP submits that, the full Bench of this Court held that the proviso to Section 10-1A of the Panchayat Act to be mandatory.

3. Considering the fact that, Apex Court has stayed the judgment of the full Bench of this Court holding the proviso to Section 10-1A of Bombay Village Panchayat Act to be mandatory and all these petitioners have received the validity certificates in respect of the caste upon which they had contested the elections and further relying upon the statement of the learned counsel for the petitioner

that the posts which the petitioners were occupying are not filled in and no elections are declared, we set aside the impugned judgment and order passed by the Collector.

4. The authority is entitled to take further course of action in case the Supreme Court upholds the judgment of the full Bench of this Court referred supra.

5. The writ petitions are, accordingly, allowed. No costs.

[A. M. DHAVALE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde