

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

24 WRIT PETITION NO. 4115 OF 2002

SYED JALEEL SYED MOHIDDIN
VERSUS
DATTATRAYA SHIVANNA GAZZALWAR & ORS.

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Advocate for Petitioner : Shri Mandlik P.P.
Advocate for Respondents 1 & 2 : Shri Nagarkar K.M.
h/f Shri Kedar B.R.
AGP for Respondent 7 : Shri Yadav-Lonikar S.R.

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

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PER COURT :-

1 The petitioner is aggrieved by the judgment and order dated 16.9.2003, by which the Election Petition No.2 of 2000 filed by respondent Nos.1 and 2 was allowed by the trial Court, the election of the petitioner was set aside from Ward No.1 reserved for the OBC category.

2 Learned counsel for the petitioner submits that the challenge pertains to whether the learned Civil Judge J.D. could have the jurisdiction to deal with the validity of a caste certificate in an Election Petition.

3 I find that this petition is now rendered of an academic interest for the reason that Section 9A has been introduced in Maharashtra

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Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and Section 10(1A) has been introduced in the Maharashtra Village Panchayats Act, by which any candidate contesting elections to a position reserved for a caste / tribe, has to submit his caste / tribe validity certificate within six months from the date of election. The learned Full Bench of this Court has laid down the law in the case of Anant H. Ulahalkar Vs. Chief Election Commissioner and others [2017 (1) Mah. L.J. 437], that such validity certificate shall mandatorily be submitted within six months from the date of election, failing which, the elected candidate shall stand disqualified from the date of his election. This view has been sustained by the Honourable Apex Court on 27.6.2018 in the case of Shankar Raghunath Devre (Patil) Vs. State of Maharashtra - SLP(C) Nos.29874-29875 of 2016, delivered on 27.6.2018.

4 Considering the above, this petition is rendered infructuous and stands disposed off. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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