

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

WRIT PETITION NO. 6133 OF 2018

Ramdas s/o. Dagdu Gadhave,  
Age : 50 Years, Occu : Agril.,  
R/o. Kauthe Bk., Tq. Sangamner,  
Dist. Ahmednagar.

...Petitioner

Versus

1. The State of Maharashtra,  
Through its Secretary  
Rural Development Department,  
Mantralaya, Mumbai.
2. The Divisional Commissioner,  
Nashik Division, Nashik.
3. The Additional Collector,  
Ahmednagar, Dist. Ahmednagar
4. The Tahsildar, Sangamner,  
Tq. Sangamner, Dist. Ahmednagar     ...Respondents

Mr. S.K. Shinde, Advocate for Petitioner  
Mr. P.K. Lakhotiya, AGP for Respondent-State

**CORAM : R. M. BORDE &  
A. M. DHAVAL, JJ.**

**DATE : 20th JUNE, 2018.**

**ORAL JUDGMENT** (Per R.M. Borde, J.)

1. Rule. Rule made returnable forthwith. Learned AGP waives service of notice of rule on behalf of all respondents. Taken up for final hearing with consent of parties.
2. The petitioner is a member of the Gram Panchayat. The petitioner is disqualified on the ground that he has failed to submit

validity certificate within a period of six months as required under section 10(1-A) of the Maharashtra Village Panchayat Act. The learned counsel submits that, the petitioner herein has been issued with validity certificate, however, after the stipulated time of six months. The learned counsel relies on the order passed by the Apex Court in SLP (C) Nos. 29874 and 29875 of 2016 thereby granting stay to the judgment of the Full Bench of this Court in a case of Anant H. Ulhalkar Vs. Chief Election Commissioner reported in **2017 (1) Mh. L.J. 431**.

3. Learned AGP submits that as the petitioner failed to comply the conditions laid down in Sec. 10(1-A) of the Maharashtra Village Panchayat Act, the authority has rightly disqualified the petitioner.

4. The Full Bench of this Court in a case of Anant H. Ulhalkar Vs. Chief Election Commissioner referred to (supra) has observed that, stipulation of six months to submit validity certificate is mandatory. The Apex Court in SLP (C) Nos. 29874 and 29875 of 2016 (supra) has stayed the judgment of the Full Bench of this Court.

5. In the light of the above, impugned orders are quashed and set aside. Rule accordingly is made absolute in above terms. No costs.

6. It is made clear that, in case the Apex Court upholds judgment of the Full Bench of this Court, then the authorities are at liberty to take fresh action against the petitioner.

**[ A. M. DHAVAL ]**  
**JUDGE**

**[ R. M. BORDE ]**  
**JUDGE**

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