

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7616 OF 2018

Vimal Uttam Ransing

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.A.S.More, advocate for the petitioner.

Mr.V.S.Badakh, A.G.P. for Respondents.

**CORAM : R.M.BORDE AND
A.M.DHAVAL, JJ.
DATE : 13th July, 2017.**

P.C. :

1. Petitioner is the member of Village Panchayat. She has been disqualified on the ground that she has not submitted validity certificate within the period of six months, as required under proviso to Section 10(1-A) of the Maharashtra Village Panchayats Act.

2. Learned counsel for petitioner submits that the judgment of Full Bench of this Court in case of Anant H. Ulhalkar Vs. Chief Election Commissioner, reported in 2017 (1) Mh.L.J. 31, holding the period of six months as prescribed under proviso to Section 10(1-A) of the Maharashtra Village Panchayats Act to be mandatory, has been stayed by the Apex Court in S.L.P.(C) Nos. 29874 and 29875 of 2016.

3. Though the order of disqualification has been issued by the Additional Collector on 23.12.2016, according to petitioner, the

vacancy has not been declared and the seat has not yet been filled in. Affidavit in that regard has been presented by petitioner.

4. Heard.

5. It is not disputed by the parties that in the instant petition, the petitioner is issued validity certificate, but after the period of six months from the date of election. In view of the fact that the judgment of Full Bench of this Court has been stayed by the Apex Court in S.L.P. (supra), we quash and set aside the impugned orders.

6. In case the Apex Court upholds the judgment of this Court, then the authority is entitled to take further course of action.

7. Writ petition is allowed in above terms. No costs.

A.M.DHAVALÉ
JUDGE

R.M.BORDE
JUDGE

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