

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

WRIT PETITION NO. 8581 OF 2018

Suvarna Suresh Kale and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri. Abhijit S. More, Advocate for Petitioners.

Shri. N. T. Bhagat, A.G.P. for Respondent/State.

**CORAM : S.V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATED : 30th July, 2018

PER COURT:

. Mr. More, learned counsel for the petitioner submits that though the petitioners were qualified the elections for the posts that were occupied by the petitioners are not held and those posts are still vacant.

2. In this matter, the petitioners are the members of Village Panchayats. They have been disqualified on the ground that these

petitioners have not submitted validity certificates within the period of six months, as required under proviso to Section 10 (1-A) of the Maharashtra Village Panchayats Act.

3. The learned Counsel for the petitioners 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.431** holding the period of six months as prescribed under proviso to Section 10 (1-A) of the Maharashtra Village Panchayats Act mandatory has been stayed by the Apex Court in S.L.P. (C) Nos.29874 and 29875 of 2016

4. We have heard the learned A.G.P.

5. It is not disputed by the parties that in this petition, the petitioners are issued the validity certificates of the respective caste claim, 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 order.

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.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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