

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

WRIT PETITION NO.4617 OF 2018

Smt.Nita Ramkisan Walkikar
Age : 30 years, Occ.Agril
R/o Ranjhangaon,Tq.Newasa
Dist.Ahmednagar.

.. PETITIONER

VERSUS

The Additional Collector,
Ahmednagar,
Tq.& Dist,Ahmednagar

.. RESPONDENT

...

Shri S.R.Sapkal,Advocate for petitioner
Smt.V.N.Jadhav Patil, AGP for respondent.

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**CORAM : MANGESH S. PATIL,J.
DATE : 29/10/2018**

ORAL JUDGMENT :-

Heard. Rule. The learned AGP waives service of the Rule. With the consent of both sides, the Petition is taken up for final hearing at the stage of admission.

2] The petitioner who is an elected member of Village Panchayat had failed to produce caste/tribe validity certificate within the stipulated period as provided under Section 10-1-A of the Maharashtra Village Panchayats Act, 1958. The Collector, Ahmednagar by the impugned order has held her to have incurred the disqualification.

3] The issue is no more *res integra*. In a similar provision contained in Section 9A of the the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 such a period of 6 months has been held to be mandatory by the the Full Bench of this Court in Writ Petition No.10478/2014 decided on 9/12/2016 in the case of Anant H.Ulhalkar V/s Chief Election Commissioner and others. The Supreme Court has confirmed this decision in Special Leave to Appeal (C)Nos.29874-29875/2016) in the case of Shankar Raghunath Devre (Patil) V/s State of Maharashtra and others by order dated 23/8/2018. It is thus trite that the period of six months for tendering caste validity certificate contained in Section 10-1-A of the Maharashtra Village Panchayats Act, needs to be interpreted in the same manner and is mandatory.

4] Since, admittedly, the petitioner had failed to furnish the caste validity certificate within the statutory period which is mandatory, there is no apparent illegality committed by the Collector, Ahmednagar in passing the impugned order holding her to have incurred the disqualification.

5] The Writ Petition is dismissed.

6] The Rule is discharged.

(MANGESH S. PATIL,J.)

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