

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

WRIT PETITION NO. 13422 OF 2017

Smt. Bala Balbeer Lot,
Age : Major, Occu. : Household,
R/o Shahapur Kekati,
Tq. Nagar, Dist. Ahmednagar. .. Petitioner

Versus

1. The State of Maharashtra,
Through the Secretary
Rural Development Department
Mantralaya, Mumbai - 32.
2. The Additional Collector,
Ahmednagar.
3. The Tahsildar, Nagar,
Tq. Nagar, Dist. Ahmednagar .. Respondents

WITH

WRIT PETITION NO. 13423 OF 2017

1. Raosaheb Dada Mhaske,
Age : Major, Occu. : HH and Agri.,
R/o Nandgaon, Tal. Karjat,
Dist. Ahmednagar.
2. Smt. Sangita Tatya Gunjal @
Savita Tukaram Gailwad,
Age-Major, Occu. : HH and Agril.,
R/o Nandgaon, Tal- Karjat,
Dist. Ahmednagar. .. Petitioners

Versus

1. The State of Maharashtra,
Through the Secretary
Rural Development Department
Mantralaya, Mumbai - 32.
2. The Additional Collector,
Ahmednagar.
3. The Tahsildar, Nagar,
Tq. Nagar, Dist. Ahmednagar .. Respondents

Shri Vivek V. Tarde, Advocate for Petitioners in both matters.
Shri A. S. Shinde, A.G.P. for All Respondents in both matters.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVAL, JJ.**

DATE : 04TH JANUARY, 2018.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. The learned Assistant Government Pleader waives notice of rule for all respondents. Taken up for final hearing with consent of parties.

2. The petitioners are members of the Gram Panchayats. The petitioners are disqualified on the ground that, they have failed to submit validity certificates within a period of six months as required U/Sec. 10(1-A) of the Maharashtra Village Panchayat Act. The learned counsel submits that, the petitioners herein have been issued with validity certificates, 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. The learned Assistant Government Pleader for respondents submits that, as the petitioners failed to comply the conditions laid down in Sec. 10(1-A) of the Maharashtra Village Panchayat Act, the authority has rightly disqualified the petitioners.

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 petitioners.

Sd/-

[ARUN M. DHAVAL, J.]

bsb/Jan. 17

Sd/-

[S. V. GANGAPURWALA, J.]