

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13953 OF 2017

Sau. Suman w/o Manohar Dalvi
age 57 years, occ. Household and Member
of Village Panchayat, r/o Hanga
Tq Parner, Dist. Ahmednagar.

Petitioner

Versus

1. The State of Maharashtra
Through its Secretary
Rural Development Department
Mantralaya, Mumbai
2. The Additional Collector
Ahmednagar, Dist. Ahmednagar
3. The Secretary / Gram Sevak
Gram Panchayat, Hanga
Tq. Parner, Dist. Ahmednagar
4. The Tahsildar, Rahuri
Tq. Parner, Dist. Ahmednagar
5. The States Election Commission
State of Maharashtra, Mumbai

Respondents

Mr. V.P. Narwade, advocate for petitioner.
Mr. S.M. Ganachari, A.G.P. for respondents 1, 2 and 4.
Mr. S.T. Shelke, advocate for respondents 3 and 5.

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

DATE : 7th 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 she 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 (surpa) 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. DHAVALÉ
JUDGE

R.M.BORDE
JUDGE

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