

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

WRIT PETITION NO.12523 OF 2016
WITH
CIVIL APPLICATION NO.16281 OF 2016

Sambhaji Tukaram Pawar

..Petitioner

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others

...Respondents

Mr.N.V. Gaware, Advocate for petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 5

WITH

WRIT PETITION NO.4974 OF 2017

Smt.Mandakini Bhimraj Patekar
@ Mandakini Murlidhar Shidore

..Petitioner

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others

...Respondents

Mr.R.S.Kasar, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 3

WITH

WRIT PETITION NO.5190 OF 2017

Anil Nivrutti Wakchaure

...Petitioner

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others

...Respondents

Mr.R.R. Karpe, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 3 and 5
Mr.S.T.Shelke, Advocate for respondent No.6

WITH
WRIT PETITION NO.5204 OF 2017

Sonalkumar Balasaheb Torane ..Petitioner

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others ...Respondents

Mr.R.R. Karpe, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 3 and 5
Mr.S.T.Shelke, Advocate for respondent No.6

WITH
WRIT PETITION NO. 5395 OF 2017

Chhayha Parasram Pawar and anr. ..Petitioners

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others ...Respondents

Mr.A.S.More, Advocate for Petitioners
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 3

WITH
WRIT PETITION NO. 5396 OF 2017

Sukhdeo Muralidhar Shinde ...Petitioner

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others ...Respondents

Mr.A.S.More, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 3

WITH
WRIT PETITION NO.5397 OF 2017

Ankush Ramchandra Rode and anr.

..Petitioners

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others

...Respondents

Mr.A.S.More, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 3

WITH
WRIT PETITION NO. 5399 OF 2017

Sakhubai Sambhaji Phalake

...Petitioner

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others

...Respondents

Mr.A.S.Sawant, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 4

WITH
WRIT PETITION NO. 5845 OF 2017

Chhaya Namdeo Barve

..Petitioner

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others

...Respondents

Mr.A.S.Sawant, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 4

WITH
WRIT PETITION NO. 6467 OF 2017

Surekha Achyut Badakh

.. Petitioner

Versus

The State of Maharashtra
Through its Principal Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others ...Respondents

Mr.R.D.Khadap, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 3

WITH
WRIT PETITION NO. 6472 OF 2017

Ashabai Bhausahab Badakh .. Petitioner

Versus

The State of Maharashtra
Through its Principal Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others ...Respondents

Mr.R.D.Khadap, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 3

WITH
WRIT PETITION NO. 6476 OF 2017

Gorakhnath Jagannath Badakh .. Petitioners

Versus

The State of Maharashtra
Through its Principal Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others ...Respondents

Mr.R.D.Khadap, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 3

WITH
WRIT PETITION NO. 7007 OF 2017

Geeta Suresh Karpe .. Petitioner

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department
Mantralaya, Mumbai-32 and others ..Respondents

Mr.N.V Gaware, Advocate for Petitioner
Mrs.A.V.Gondhalekar, AGP for respondents No. 1 to 3

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 23rd February 2018

PER COURT

1. In all these matters, 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.
2. The learned Counsel for the petitioners submit 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
3. We have heard the learned A.G.P. and learned Advocate for respective respondents.
4. It is not disputed by the parties that in all these petitions, 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 orders.

5. In case the Apex Court upholds the judgment of this Court, then the authority is entitled to take further course of action.
6. Writ Petitions are allowed in above terms. No costs.
9. In view of disposal of writ petitions, Civil Application No.16281 of 2016 in Writ Petition No.12523 of 2016 stands disposed of.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

vvr