

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3716 OF 2017

Asharani Irsangappa Gadde @
Asharani Ningappa Jeure .. Petitioner
Vs.
The Collector, Solapur & Ors. .. Respondents

**ALONG WITH
CIVIL APPLICATION NO.1247 OF 2017
IN
WRIT PETITION NO.3716 OF 2017**

Rajendra@ Ekanath Bhimarao Chavan .. Applicant
(Respt. No.3)
In the matter between
Asharani Irsangappa Gadde @
Asharani Ningappa Jeure .. Petitioner
Vs.
The Collector, Solapur & Ors. .. Respondents

Mr.S. S. Kanetkar for the petitioner.
Mr.S.D. Rayrikar, AGP for the respondent nos.1 & 2-State.
Mr.R.K. Mendadkar for the respondent no.3/applicant.

**CORAM : R.D. DHANUKA, J.
DATE : 12th June 2018**

P.C.:

. Rule. Learned AGP waives service for the respondent nos.1 and 2 Mr.Mendadkar, learned counsel waives service for the respondent no.3.

2. In so far as the interim relief is concerned, Mr.Kanetkar, learned counsel for the petitioner invited my attention to the judgment of the Division Bench of this Court in the case of **Anant H.Ulahalkar Vs.**

Chief Election Commissioner, reported in 2017 (1) Bom.C.R. 230 and would submit that the full bench of this Court after construing the identical provisions has held that the submission of caste validity certificate by elected councilor within a period of six months from the date of election as a candidate under the provisions of Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 is mandatory. He submits that the said judgment of the full bench of this Court has been stayed by the Hon'ble Supreme Court in one of the matters and the said issue is pending before the Hon'ble Supreme Court.

3. Mr.Mendadkar, learned counsel for the respondent no.3, on the other hand, invited my attention to the order dated 16th December 2016 passed by the Division Bench of this Court and would submit that in the said writ petition filed by the petitioner herein impugning the order passed by the Caste Scrutiny Committee invalidating the claim of the petitioner. Division Bench of this Court has refused to grant ad-interim relief. He submits that the petitioner has filed Special Leave to Appeal (C) No.9781 of 2017 before the Hon'ble Supreme Court. The Hon'ble Supreme Court has not granted any stay in favour of the petitioner till date. The petitioner has been obtaining adjournments in the said proceedings before the Supreme Court from time to time.

4. It is not in dispute that though the petitioner has filed special leave to appeal against the order passed by the Division Bench of this Court vacating the interim order, no stay has been granted by the Hon'ble Supreme Court till date in favour of the petitioner. The petitioner has been taken adjournment from time to time in the said proceedings

before the Hon'ble Supreme Court. It is not the case of the petitioner that there was delay in filing the caste validity certificate by the petitioner before the authority and the said certificate could not be filed within six months. In this case, the caste validity certificate of the petitioner itself was invalidated by the Caste Scrutiny Committee.

5. In these circumstances, I am not inclined to continue the interim relief granted by this Court on 4th April 2017. The said interim relief is accordingly vacated. Civil application filed by the respondent no.3 is allowed in terms of prayer clause (a).

6. At the request of the Mr.Kanetkar, learned counsel for the petitioner, ad-interim relief granted on 4th April 2017 to continue for a period of four weeks from today. It is made clear that during this period, the petitioner shall not exercise any voting rights.

R.D. DHANUKA, J.