

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (O) NO. 2198 OF 2019
IN
MISC. CIVIL APPLICATION (St.) NO. 23155 OF 2019 (FOR REVIEW)
IN
WRIT PETITION NO.1363 OF 2017 (DECIDED)

Sau. Chitrakala w/o Tesram Waghmare

vs.

The State of Maharashtra thr. Collector and others

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. G. G. Bade, counsel for applicant.
Smt. H. N. Prabhu, AGP for respondent No.1 & 2.

CORAM : MANISH PITALE J.

DATED : 22/01/2020

CIVIL APPLICATION (O) NO. 2198 OF 2019

By this application, the applicant is seeking condonation of delay in filing accompanying review application. For the reasons stated in the said application, the same is allowed and delay is condoned.

MISC. CIVIL APPLICATION (St.) NO. 23155 OF 2019
(FOR REVIEW)

By this review application, the applicant (original plaintiff) is seeking review of order dated 04/12/2018, passed by this Court, in the light of subsequent developments, which have a bearing on the present case.

2. The writ petition was filed by the petitioner challenging her disqualification as a Member of Gram Panchayat on account of delay in submitting caste validity certificate within six months of being elected as per Section 10-1A of the Maharashtra Village Panchayat Act, 1958.

3. The said provision had been challenged but its validity had been upheld by a Full Bench of this Court in the case of **Anant H. Ulahalkar and another vs. Chief Election Commisisoner and ors.** reported in **2017(1) Mh.L.J. 431**. Thereafter, by dismissal of Special Leave Petition by the Hon'ble Supreme Court, the said judgment of the Full Bench of this Court was confirmed. In that light the writ petition filed by the applicant was dismissed, because she had admittedly failed to submit caste validity certificate within six months of having been elected. But, thereafter, Ordinance was issued, whereby the said provision was amended and it was provided that the caste validity certificate could be submitted within three months from the date of publication of the Ordinance. The said Ordinance was issued on 14/02/2019, and in the present case, it is undisputed that the applicant submitted caste validity certificate on 05/03/2019. This was clearly within the period of three months provided under the said Ordinance, which amended the aforesaid provision of the Act.

4. In view of the above noted subsequent development and the fact that the applicant/petitioner

has complied with the requirement of the amended provision and submitted the caste validity certificate within the stipulated period, the writ petition also deserves to be allowed.

5. In view of the above, while allowing the application for review, the writ petition is also allowed and the order dated 19/12/2016, passed by the Additional Collector, Gondia, disqualifying the petitioner from elected position of Gram Panchayat is quashed and set aside.

JUDGE