

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

WRIT PETITION NO. 4760 OF 2017

(SMT. REKHA SHANKARRAO MADAVI...VS.. COLLECTOR, NAGPUR & OTH.)

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

Court's or Judge's orders

Shri V.G.Dhage, Advocate for Petitioner.
Ms H.N.Prabhu, A.G.P. for respondent Nos. 1 to 3.
Shri P.K.Bezalwar, Advocate for Respondent No.4.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 09, 2018.

Heard.

The petitioner contested at the Gram Panchayat elections held in 2015 and got elected. The respondent No.4 filed complaint before the authority that the petitioner is disqualified from holding the office of member and Sarpanch of Gram Panchayat as she does not belong to scheduled tribe. In other words, the seat for which she contested was reserved one for scheduled tribe category. On inquiry, the authority found that there was no compliance of the provisions of Section 10(1-A) of the Maharashtra Village Panchayats Act and the petitioner has not been able to show that before submitting nomination form the petitioner had submitted application to the Scrutiny Committee for issuance of validity certificate.

The advocate for the petitioner has relied on the documents placed on record at page No.12 of the paper book to contend that the application was submitted to the Scrutiny Committee through the Returning Officer on 20th July, 2015

and therefore, it has to be held that the requirements of Section 10(1-A) of the Maharashtra Village Panchayats Act, 1958 were complied with. The subordinate authorities have found that the claim made by the petitioner that she had submitted application for issuance of validity certificate to the scrutiny committee through the Returning Officer is found to be false. Even otherwise, the candidate who intends to contest the elections on the seat reserved for backward class candidate has to satisfy the Returning Officer that he/ she has submitted the application to the Scrutiny Committee for issuance of validity certificate before the nomination form was submitted by him/ her.

In the above facts, I find that the impugned orders are proper and based on proper appreciation of the fact and law. There is no reason to interfere with the impugned order.

The writ petition is **dismissed**. The petitioner shall pay costs of Rs.Ten Thousand to the respondent No.4 and produce receipt of it on record of this petition till 15th February, 2018.

JUDGE

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