

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

WRIT PETITION NO.1864 OF 2019

**POPAT MANIKRAO GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.A.L. Kanade, Advocate for the petitioner.
Mr.V.S. Badakh, AGP for respondent/State.

**CORAM : PRASANNA B.VARALE &
S.M.GAVHANE, JJ.
DATED : 22.02.2019**

P.C. :-

1. Heard learned Counsel for the petitioner. Though we are not inclined to entertain the petition on the basis of prayer clause (B), we have taken up the petition for disposal at the admission stage, considering the prayer clause (C). The petitioner had submitted representations to respondent No.3 - District Collector, Ahmednagar. It is stated in the representation dated 12.11.2018 that respondent Nos.7 and 8 Smt. Deepali Garje and Smt. Pooja Pol contested the Grampanchayat election in the year 2015 as candidates belonging to OBC category and they were declared as elected. It is stated in the representation that it was mandatory for respondent Nos. 7 and 8 to submit their caste validity certificate within six months and failure to submit the validity certificate within stipulated period would lead to incurring disqualification of respondent Nos.7 and 8. Reference is also made to judgment of the Hon'ble Apex Court. The petitioner also states that an ordinance is issued by the

State Government on 11.10.2018 and the petitioner himself arrives at conclusion that this ordinance is not applicable to respondent Nos.7 and 8. The petitioner thus is seeking decision on the representation. The Counsel for the petitioner also invited our attention to communication dated 01.01.2019 issued by the State Election Commission to the Collector, Ahmednagar. Perusal of the communication shows that the petitioner had filed complaint to the State Election Commission. The State Election Commission informed the District Collector, Ahmednagar to conduct proper enquiry and to take appropriate steps and in turn to intimate the decision to the petitioner.

2. In view of these facts the petition is disposed of with directions to respondent No.3 to decide the representation dated 12.11.2018, needless to state on merits of the representation, as expeditiously as possible and not later than eight weeks from the date of order of this Court.

3. With these directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]