

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1347 OF 2019

YUVRAJ LAXMAN MULMULE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr.Paresh B. Patil

A.G.P for Respondent Nos.1 to 3 : Mr.S.R.Yadav

Advocate for Respondent No.4 and 5 : Mr.Prakash B. Patil

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 26th November, 2019.

PER COURT :-

1. The petitioner is aggrieved by the order dated 03/12/2018 passed by the District Collector, Jalgaon, by which, he has dismissed the Grampanchayat Dispute No.80/2018 filed by the petitioner. The said proceeding was initiated by the petitioner under Section 10(1A) of the Maharashtra Village Panchayat Act, 1959 seeking disqualification of respondent Nos.4 and 5, on account of having failed in submitting their

cast validity certificate within six months from the date of their election to the Village Panchayat, Pimparkhed.

2. I have considered the strenuous submissions of the learned Advocates for the respective sides and I have gone through the Maharashtra Ordinance No.XXI, dated 11/10/2018 and the Maharashtra Ordinance No.II, dated 14/02/2019.

3. Pursuant to the judgment of the learned Full Bench of this Court in the matter of **Anant H. Ulahalkar and another Vs. Chief Election Commissioner and others** and the judgment of the Hon'ble Apex Court in the matter of **Shankar s/o Raghunath Devre (Patil) Vs. State of Maharashtra and others**, the law of submitting the Cast Validity Certificates within six months from the date of election, was held to be mandatory. The State Government, however, issued certain directions at regular intervals and started extending protection to the candidates, who were

incurring disqualification. By an amendment to Section 10(1A) of the Maharashtra Village Panchayat Act, 1959, the duration of six months was also enlarged to 12 months. Finally, by Maharashtra Ordinance No.II, the protection was extended till 14/05/2019.

4. It is undisputed that both the respondent Nos.4 and 5 have received their Cast Validity Certificate and are said to have deposited the same in January, 2016. As such, they were protected by the Ordinance introduced by the State and the impugned order of the District Collector does not call for any interference. This petition is, therefore, dismissed.

5. The learned Advocate for the petitioner submits that he has raised an issue before the District Collector contending that the Naib Tahsildar and the Clerk at the Tahsil Office, Chalisgaon have manipulated the records and have shown that these two respondents had deposited their Cast Validity Certificates on 14/01/2016 and 21/01/2016. They had actually deposited

the said certificates with the competent authority on 31/08/2016. Though he concedes that they are protected from disqualification, he insisted that the District Collector should look into his grievances voiced in his representation dated 07/01/2019 and take appropriate decision/action against the concerned employees for having played a fraud.

6. In view of the above, the learned A.G.P. shall convey to the District Collector, Jalgaon to decide the representation dated 07/01/2019 and if he finds that the objection is serious, he would consider the same with utmost seriousness and by following the due procedure, shall initiate appropriate action.

(RAVINDRA V. GHUGE, J.)

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