

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

926. WRIT PETITION No. 7338 of 2019

Gavalan W/o Balaji Kulkalwad	... <u>Petitioner</u>
<u>VERSUS</u>	
The State of Maharashtra and others	... <u>Respondents</u>

Mr. P.B. Patil, Advocate for petitioner

Mr. N.T. Bhagat, Asstt. Govt. Pleader for respondents No. 1 to 3

CORAM : RAVINDRA V. GHUGE, J.

DATE : 19th June, 2019

PER COURT:

1. The petitioner has challenged the order of the District Collector, Nanded, dated 6th December, 2018, vide which, the petitioner has been disqualified under section 10-1A of the Maharashtra Village Panchayats Act for having failed in submitting the tribe validity certificate.

2. I have considered the submissions of the learned Advocate for the petitioner and the learned Asstt. Govt. Pleader on behalf of the respondents No.1 to 3.

3. After the learned Full Bench of this Court delivered its judgment in the case of *Anant H. Uthalkar Vs. Chief Election Commissioner and others* [2017(1) Mah.L.J., 437], similar matters were

taken to the Hon'ble Apex Court. With the verdict delivered on 27th June, 2018 in *Shankar Raghunath Devre (Patil) Vs. State of Maharashtra , SLP (C) Nos. 29874-29875 of 2016*, it is now crystallized that Section 9(A) under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, Section 10-1A of the Maharashtra Village Panchayats Act and Section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 are mandatory.

4. However, the State of Maharashtra has introduced Ordinance No. II of 2019, vide which, those persons, who have still not submitted their caste/tribe validity certificate, have been granted liberty to file such certificates within three months from the date of the Ordinance 14th February, 2019. The record, however, reveals that this petitioner is yet to receive the Tribe Validity Certificate and as three months have lapsed from the date of the introduction of the Ordinance No. II dated 14th February, 2019, the petitioner may not be protected.

5. In view of the above, this petition being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE)
JUDGE

Madkar