

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

WRIT PETITION NO.1674 OF 2019

Smt. Gayabai Sheshrao Shejwal,
Age: 68 years, Occu: Household & Agril.,
R/o. Village Kumbhephal,
Tq. and Dist. Aurangabad. ..Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Rural Development Department,
Mantralaya, Mumbai.
2. The District Collector, Aurangabad,
Dist. Aurangabad.
3. The Sub Divisional Officer,
Aurangabad Division, Aurangabad,
Dist. Aurangabad.
4. The Tahsildar, Aurangabad (Election Branch),
Tq. and Dist. Aurangabad.
5. The State Election Commission,
M.S., Mumbai.
6. The Hon'ble Advocate General
Maharashtra State, Mumbai ..Respondents

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Mr. V.H. Dighe, Advocate for Petitioner.
Mr. S.T. Shelke, Advocate for Respondent No.5.
Mr. K.B. Jadhavar, AGP for Respondent/State.

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**CORAM : P.R. BORA, J.
DATE : 03rd APRIL, 2019.**

ORAL JUDGMENT:-

1. Aggrieved by the order passed by the learned Collector, Aurangabad on 05.01.2019, the petitioner has preferred present writ petition.

2. Vide the impugned order, the learned Collector, Aurangabad has disqualified the present petitioner from holding the post of Member of Grampanchayat Kumbhephal in the elections held of the said grampanchayat in the year 2015 the petitioner was elected from the seat reserved for scheduled caste candidate. The petitioner claims herself to be belonging to scheduled caste. At the time of filing her nomination, though the petitioner had submitted her caste certificate, caste validity certificate was not submitted. As provided under Section 10-1A of the Maharashtra Village Panchayat Act, 1959, the petitioner was under an obligation to submit her caste validity certificate within the period of six months from the date of declaration of the elections. Subsequently, vide the Ordinance dated 11.10.2018 issued by Rural Development Department of the State of Maharashtra, the period for submitting the caste validity certificate was extended from six months to one year. Since, the petitioner failed in submitting her caste validity

certificate within the period of one year from getting her elected as a member of grampanchayat as a scheduled caste candidate, the learned Collector, Aurangabad vide the impugned order disqualified the petitioner from holding the said post.

3. It is the contention of the present petitioner that she got the caste validity certificate on 02.11.2018 and she immediately submitted the same with the competent authority however, since the same was not submitted within the period of 12 months, she has been disqualified vide the impugned order. The learned counsel for the petitioner submitted that, in view of the subsequent Government Ordinance issued by the Rural Development Department of the State of Maharashtra on 14.02.2019, the period for submitting the caste validity certificate has been extended till 14.05.2019. In the circumstances, the learned counsel prayed for setting aside the impugned order and to restore the petitioner to the post of Member of Grampanchayat Kumbhephal.

4. The copy of the caste validity certificate is placed on record. From the order it is quite evident that it is not the contention of the government authorities that the

petitioner did not submit her caste validity certificate but the objection is that it was not submitted within the period of 12 months from the date of her getting elected as a member of grampanchayat. In view of the Government Ordinance dated 14.02.2019, since the said period has been extended till 14.05.2019 and the members got elected on the reserved post in the elections held in the year 2015 onwards are covered vide the said ordinance, the present petition deserves to be allowed. It is informed by the learned counsel for the petitioner that the post of the petitioner has not yet been filled. In the result, the following order is passed:

ORDER

- (I) The order passed by the Collector, Aurangabad on 05.01.2019 is quashed and set aside.
- (II) The petitioner is restored to her post of Member of Grampanchayat Kumbhephal.
- (III) The writ petition stands allowed in the aforesaid terms.

(P.R. BORA, J.)