

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

936 WRIT PETITION NO.4104 OF 2019

JAVED NAVAB TADVI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Shri Vijay B. Patil
AGP for Respondents – State : Shri S.D.Ghayal

...
CORAM : P.R.BORA, J.
DATE: 11th April, 2019

PER COURT:-

1 Heard finally with consent of learned Counsel appearing for the petitioner and learned AGP appearing for respondent Nos.1 and 2.

2 Though, the original complainant is also added as respondent No.3 in the present petition, it does not appear to me that he requires to be served with any notice of the present petition since petition is to be decided purely on the legal aspects.

3 On 28.03.2019, this Court had directed the petitioner to submit his caste validity certificate in the office of the Collector and to file the affidavit in that regard. The learned Counsel for the petitioner has tendered across the bar today a bunch of papers stating that he has complied with the order passed by this Court on 28.03.2009 and has submitted his caste validity

certificate in the office of the Tahsildar.

4 The petitioner was elected as a member of Gram Panchayat Nhavi, Tq.Yawal, from the seat reserved for the candidates belonging to scheduled Tribes. Since the petitioner did not submit his caste validity certificate within the period of six months, a complaint was moved by one Prashant Dinkar Tayade, respondent No.3 in the present petition to the Collector, Jalgaon and after conducting enquiry in the said complaint, the Collector, Jalgaon, had disqualified the present petitioner to hold the post of Member of Gram Panchayat, Nhavi, having incurred disqualification under Section 10-1(A) of the Maharashtra Village Panchayats Act, vide the order passed by him on 03.12.2018.

5 In view of the latest Government Ordinance dated 14.02.2019, the period of submitting the caste validity certificate has been extended up to 14.05.2019. Since the petitioner has submitted his caste validity certificate with the Tahsildar, Yawal on 08.04.2019, the impugned order dated 03.12.2018, is quashed and set aside and the petitioner stands restored to his original position as a Member of Gram Panchayat, Nhavi, Tq.Yawal, Dist.Jalgaon. Petition is allowed in the aforesaid terms.

(P.R.BORA)
JUDGE

SPT