

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

**WRIT PETITION NO. 2580 OF 2019**

Bhausahab S/o Kundalik Navrange  
Age: 41 years, Occu: Sarpanch/Labour,  
R/o: Agar Wadgaon, Tq. Gangapur,  
Dist. Aurangabad.

...Petitioner

VERSUS

1. The State of Maharashtra  
Through The District Collector,  
Aurangabad, Tq & Dist. Aurangabad.
2. The Sub-Divisional Officer, Vaijapur,  
Tq. Gangapur, Dist. Aurangabad.
3. The Tahasildar, Gangapur,  
Tq. Gangapur, Dist. Aurangabad. ...Respondents

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Mr. Vitthal Ravindra Gore, Advocate for the Petitioner.  
Mr. K.S. Patil, AGP for Respondents/State.

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**CORAM : P.R. BORA, J.  
DATED : 25<sup>th</sup> March, 2019.**

**ORAL JUDGMENT:-**

1. Rule. Rule made returnable forthwith.
2. Aggrieved by the order passed by the learned Collector, Aurangabad on 02.02.2019, whereby he has disqualified the petitioner from holding the post of the Member of Grampanchayat, Agar Wadgaon, Taluka Gangapur, District Aurangabad, the petitioner has preferred present writ petition.

3. The petitioner was elected as the Member of Grampanchayat, Agar Wadgaon in the elections held of the said Grampanchayat in the year 2017 from the reserved seat. Subsequently, he was also elected as Sarpanch of the said village panchayat. At the time of filing his nomination, the petitioner though had submitted his caste certificate, no caste validity certificate was submitted by him since, it was not received to him by that time. As per the provisions under Section 10-1A of the Maharashtra Village Panchayat Act, 1959, the petitioner was under an obligation to submit his caste validity certificate within the period of six months from the date of getting elected. Subsequently, vide the Government Ordinance dated 11.10.2018, the period of six months for submitting the caste validity certificate was extended to one year. Since, the petitioner did not submit the caste validity certificate within the period of one year from the date of his election, the learned Collector Aurangabad disqualified him from holding the post of Member of Grampanchayat and consequently of the Sarpanch. Aggrieved by as noted herein-above, the petitioner has filed the present petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner got the caste validity certificate

on 22.10.2018. The learned submitted that since the caste validity certificate was not submitted by the petitioner within the period of one year, the learned Collector disqualified the petitioner from holding the post of Member of Grampanchayat, Agar Wadgaon. The learned counsel submitted that in view of the Government Ordinance-II drawn on 14.02.2019, the period for submitting the caste validity certificate for the candidates got elected in the elections held in the year 2015 and onwards has been extended till 14.05.2019. The learned counsel submitted that by virtue of the aforesaid Government Ordinance, the decision rendered by the learned Collector disqualifying the petitioner from holding the post of Member of Grampanchayat, Agar Wadgaon deserves to be set aside and the petitioner deserves to be restored to the post of Member of Grampanchayat, Agar Wadgaon.

5. The learned AGP has submitted for passing appropriate orders in view of the Government Ordinance dated 14.02.2019. It is not in dispute that the petitioner has submitted caste validity certificate with the competent authority on 26.10.2018. It is evident that at the relevant time, since the period for submitting the caste validity certificate was one year, the learned Collector Aurangabad

rightly disqualified the petitioner from holding the post of Member of Grampanchayat, Agar Wadgaon and in turn, the post of Sarpanch of the said Grampanchayat. However, in view of the subsequent Government Ordinance drawn on 14.02.2019, since the period for submitting the caste validity certificate stands extended till 14.05.2019, the order passed by the learned Collector Aurangabad has to be set aside. It is submitted by the learned counsel for the petitioner that till date, the post of the present petitioner is lying vacant and no election is notified for the said post. For the reasons stated above, the following order is passed:

### **ORDER**

- i) The order passed by the learned Collector, Aurangabad on 02.02.2019 is quashed and set aside.
- ii) The petitioner is restored to his post of Member of Grampanchayat, Agar Wadgaon.
- iii) The writ petition stands allowed in the aforesaid terms.
- iv) Rule is made absolute in the aforesaid terms.

**(P.R. BORA, J.)**