

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

7 WRIT PETITION NO.2576 OF 2019

GAYABAI SUDAM JAISWAL ALIAS GAYABAI YAMAJI PUND
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Ms. Solunke Savita N.
Mr. S.D.Ghayal, AGP for Respondents: 1 to 3.

CORAM : P.R. BORA, J.

DATED : 27th March, 2019.

PER COURT:-

1. Heard finally with the consent of learned counsel appearing for the parties.

2. The petitioner was elected as a member of Gram panchayat, Kaygaon in the elections held in the year 2017. The petitioner was elected from a reserved constituency. As per the provisions in the Village Panchayats Act, the petitioner was under an obligation to submit her caste validity certificate within a period of six months from the date of her getting elected as member of the Gram panchayat. As the petitioner did not submit her caste validity certificate within the said period, Collector, Aurangabad vide order passed on 19th January, 2019 has disqualified her from holding the

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post of member of the Gram panchayat, Kaygaon. The said order is challenged by the petitioner in the present petition.

3. As has been submitted by the petitioner, she got the caste validity certificate on 23rd October, 2018. The caste validity certificate so issued is not disputed by the respondent. Vide Government Ordinance dated 14th February, 2019, the period for submitting caste validity certificate has been extended up to 14th May, 2019. As is informed by the petitioner, no programme in the official gazette has been yet published to fill the vacancy of the present petitioner.

4. It is the contention of the petitioner that though she submitted her caste validity certificate with the competent authority, i.e. Tahsildar on 15th November, 2018, the same has not been considered by the said authority. In the circumstances, it appears to me that the present petition can be disposed of with the following order, -

ORDER

- i. The order passed by Collector, Aurangabad on 19.1.2019 is set aside.

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ii. The matter is remitted to Collector, Aurangabad to decide it afresh in light of the Ordinance dated 14th February, 2019, by permitting the petitioner to file on record her caste validity certificate.

iii. The learned Collector shall decide the matter as expeditiously as possible and preferably before 14th May, 2019.

iv. The petitioner shall appear before Collector, Aurangabad on 3rd May, 2019.

v. The petition thus stands allowed in the aforesaid terms.

(P.R. BORA)
JUDGE

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