

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2656 OF 2019
AND
CIVIL APPLICATION NO.9783 OF 2019

BHARTIBAI PANDURANG SUDEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Shri Pawade N.R.
AGP for Respondents 1,3,4 & 5 : Shri Bhagat N.T.
Advocate for Respondent 6 : Shri Gore R.V.
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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 28, 2019
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PER COURT :-

1. On 19.8.2019, this Court has passed the following order in
Civil Application No.9783 of 2019:-

"1 I have heard the learned advocates for the respective sides.

2 The judgment delivered by the learned Full Bench of this Court in the matter of **Anant H. Ulahalkar vs. Chief Election Commissioner and another, 2017 (1) Mh.L.J. 431** and the judgment of the Honourable Supreme Court in the matter of **Shankar Raghunath Devre (Patil) vs. State of Maharashtra and others in Petitions for Special Leave to Appeal No.29874-29875 of 2016 decided on 23.08.2018**, have now crystallized the law insofar as the submission of the caste/ tribe validity certificate within six months from the date of the election. The Maharashtra Ordinance No.II of 2019 dated

14.02.2019 now extends the last date to submit their caste/tribe validity certificates upto 14.05.2019. Notwithstanding whether, the validation claim is pending or not, any candidate, who does not tender the validity certificate on or before 14.05.2019, would stand automatically disqualified with retrospective effect.

3 In the light of the above, in my view, the original petitioner cannot be protected and his disqualification is, therefore, effective. However, the learned advocate for the petitioner seeks one week's time to take instructions as the petitioner has heard that there is a possibility of an extension of the period.

4 Shri Gore, learned advocate for the applicant, submits that no extension beyond 14.05.2019 has been granted and the petitioner appears to have gathered information about a new time scale being proposed by the State Government for submission of the validity certificates insofar as new elections are concerned.

5 Considering the above, I do not find that any prejudice would be caused if one week's adjournment is granted to the petitioner keeping in view that as the law stands today, the pendency of his claim is inconsequential and he has incurred disqualification.

6 Stand over to 28.08.2019 for 'passing orders'."

2. The learned Advocate for the petitioner submits that he is still

trying to find out whether any fresh notification is issued by the Government for protecting candidates from disqualification if they do not file their Validity Certificate. The learned AGP submits that after Maharashtra Ordinance No. II was issued, there has been no Ordinance issued thereafter extending any protection beyond 14.5.2019.

3. Considering the above, the petition is dismissed in the light of the order dated 19.8.2019.

4. The Civil Application does not survive and stands disposed off.

(RAVINDRA V. GHUGE, J.)

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akl/d