

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4490 OF 2019

GAUTAM KISANRAO GAIKWAD
VERSUS
KUSHIWARTA KAILAS GAIKWAD AND OTHER

Mr.Vakil Afzal Hussain M., Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent Nos. 2 and 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 22/08/2019

PER COURT :

1. I have heard the strenuous submissions of the learned Advocates for the petitioners and the learned AGP. None present for respondent Nos. 1 and 4.

2. The Additional Divisional Commissioner has directed the District Collector to re-consider the issue before him as regards whether respondent No.1 would incur the disqualification u/s 10-1A of the Maharashtra Village Panchayat Act, by which an elected representative would be disqualified if he does not submit the caste validity certificate within a particular period.

3. This issue is now settled by the learned Full Bench of this Court in the matter of Anant H. Ulahalkar Vs. Chief Election Commissioner and others [2017 (1) Mah. L.J. 437] and in the matter of Shankar Raghunath Devre (Patil) Vs. State of Maharashtra - SLP(C) Nos.29874-29875 of 2016, delivered on 27.6.2018]. The mandate of the law is accepted. The Maharashtra Ordinance No.2 dated 14/02/2019 continues the protection against the disqualification till 14/05/2019. No further protection is granted.

4. These aspects will have to be gone into by the District Collector.

5. In view of the above, this petition is disposed off with a direction to the District Collector, Jalna to decide the pending proceedings as expeditiously as possible and preferably on or before 15/11/2019.

(Ravindra V.Ghuge, J.)