

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

82 WRIT PETITION NO.3064 OF 2019

**SHILATAI PRAKASH ULGULWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Shri V.D. Salunke
AGP for Respondents – State : Shri S.B. Narwade
Advocate for Respondent No.4 : Shri A.N. Patale

...

**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE : NOVEMBER 13, 2019

PER COURT : -

1. We had called for the explanation from the respondent why the validation proceeding pending is not yet decided. The affidavit is filed by Member-Secretary of the Committee. It is stated that, the matter was handed over to the vigilance cell on 28.03.2012. For some time the post of Jt. Commissioner and Dy. Directors were vacant due to which the coram was not available. The post of Dy. Superintendent of Police as well as Police Inspectors from Vigilance Cell were vacant. It is further submitted that, vigilance cell is intimated for submitting the vigilance enquiry report immediately and after receipt of vigilance report, the claim of the petitioner would be decided within one month.

2. The petitioner is disqualified on account of the validity certificate not submitted within the stipulated period. The said disqualification is axiomatic. The validation proceeding is pending since the year 2010. Even vigilance is not conducted as yet. The petitioner is not at fault for pendency of the validation proceeding.

3. The petitioner shall appear before the Committee on 27.11.2019. The vigilance report shall be submitted by the Vigilance Cell expeditiously and preferably within 15 days. The petitioner shall file say to the vigilance report on receipt of the same. The Committee shall thereafter decide the proceedings within one month from the date of appearance of the petitioner. The petitioner shall co-operate in disposal of the validation proceedings and shall not seek adjournment.

4. It is submitted that the voters list has already been prepared and same is published on 11.11.2019 and the elections are to be held of the post that was occupied by the petitioner.

5. The respondents shall hold the election of the post held by the petitioner upon decision in the validation proceedings of the caste claim of the petitioner.

6. We have passed this order because since 2010 the proceedings are pending and as per the affidavit submitted, the petitioner has not sought single adjournment and the delay is on the part of the Committee itself. For more than 9 years the proceedings are pending with the Committee.

7. Writ Petition is disposed of. No costs.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

...