

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8041 OF 2019

Prakash Murari Ingle

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr.V.B.Patil, Advocate holding for Mr.D.S.Mali, Advocate
for the Petitioner.

Mr. S.P.Tiwari, A.G.P. for the Respondents No. 1 to 4.

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 02-07-2019.

PER COURT :

01. The petitioner is the original complainant before the District Collector, Latur contending that respondent No. 6 deserves to be disqualified under Section 10(1A) of the Maharashtra Village Panchayats Act, 1959 as she has failed to deposit her scheduled caste validity certificate. The said application was allowed by Order dated 11.12.2018 and respondent No. 6 was declared to be disqualified. She preferred an appeal before the Additional Divisional Commissioner and by the impugned interim Order dated 1.3.2019, the Order of the District Collector has been temporarily stayed during the pendency of the appeal.

02. Grievance of the petitioner is twofold. Firstly, that the appeal before the Additional Divisional Commissioner is not maintainable and secondly, that even under the new Ordinance introduced by the Maharashtra Govt. on 14.2.2019 extending the time by 3 months for filing the validity certificates, respondent No. 6 has still not filed her caste validity certificate and the time has expired.

03. I find that the impugned interlocutory Order dated 1.3.2019 and the hearing in the appeal filed by respondent No. 6 is in progress. Learned AGP submits that the respondent No. 2 authority would decide the appeal on or before 31.8.2019 and all contentions of the litigating sides would be considered on their merits.

04. In view of the above, this petition is disposed off with the direction that respondent No. 2 shall record the oral submissions of the litigating sides on or before 31.7.2019 and shall deliver his Order on or before 31.8.2019. All contentions of the litigating sides are kept open.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-