

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

902. WRIT PETITION NO.7202 OF 2019

BHIMASHANKAR VISHWANATH MALI
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

Mr. M.P. Tripathi, Advocate for petitioner.

Mr. N.T. Bhagat , Asstt. Govt. Pleaders for Respts. No.1 to 3

CORAM : RAVINDRA V. GHUGE, J.

DATE : 19th June, 2019

PER COURT:

1. Leave to delete respondent No.4. Deletion be carried out forthwith.
2. The petitioner seeks to challenge the order passed by the District Collector, Osmanabad, dated 24th January, 2019 thereby disqualifying the petitioner as an elected member of the village Panchayat, Narangwadi, on account of having failed to submit his Caste Validity Certificate as required under Section 10-1A of the Maharashtra Village Panchayats Act
3. The learned Advocate submits that the certificate of validity dated 30th January, 2019 is placed on record in this

petition. The caste claim of the petitioner has been validated. He is protected by the Maharashtra Ordinance No. II of 2019 dated 14th February, 2019 and he would, therefore, not incur the disqualification under Section 10-1A.

4. Reliance is placed upon the order passed by this Court on *6th March, 2019 in Writ Petition No. 3975 of 2018* in the matter of *Kailash Maghaji Shelke Vs. the State of Maharashtra and others.*

5. The learned Asstt. Govt. Pleader submits that he cannot argue against the record. He is aware of the order dated 6th March, 2019 passed by this Court, which has been cited by the petitioner. He has also gone through the Ordinance placed on record. The State Government intends to protect such persons from being disqualified.

6. In view of the above, this petition is allowed. The impugned order dated 24th January, 2019 is quashed and set aside. The petitioner shall tender a copy of the Caste Validity Certificate dated 30th January, 2019 to the Office of the District Collector, Osmanabad, within two weeks from today, if not already submitted.

**(RAVINDRA V. GHUGE)
JUDGE**

Madkar