

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

WRIT PETITION NO. 8699 OF 2018

Shobha W/o. Ankush Munde Petitioner

Versus

The State of Maharashtra & Ors. Respondents

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Shri. N. L. Jadhav, Advocate for the petitioner
Smt. G. L. Deshpande, AGP for respondents No. 1, 2 and 4
Shri. Shivaji T. Shelke, Advocate for respondent No. 3
Shri. Niteen V. Gaware, Advocate for respondent No. 5

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 04TH FEBRUARY, 2019

ORAL ORDER:

1. We have heard Shri. N. L. Jadhav, learned counsel for the petitioner on the last date. The matter was kept today for the arguments of Mr Niteen V. Gaware, learned counsel for respondent No. 5.

2. The respondent No. 5 is elected as a Sarpanch and his caste claim is invalidated. Respondent No. 5 is elected as Sarpanch in the month of September - 2017. One year has already passed. In view of

proviso to Section 10(1)(A) of the Maharashtra Village Panchayat Act, the petitioner is not entitled for protection.

3. As far as prayer clause 'C' is concerned, the same cannot be granted to the petitioner *de hors* the election.

4. Respondent No. 5 stands disqualified on two counts, firstly, he could not submit his validity within the stipulated period of one year and secondly, his caste claim is invalidated.

5. In view of that, the respondent No. 4 - Collector, Beed shall hold the election in accordance with law with regard to the post held by the respondent No. 5. He shall commence the process of the election of the post held by respondent No. 5 within a period of four weeks from today and the election shall be conducted accordingly.

6. It is submitted that, the petitioner has already filed Writ Petition challenging his invalidation. The petitioner can agitate with regard to the invalidation of his caste claim in the writ petition filed by him. Certainly the petitioner would be entitled to raise all his grievances with regard to the election of the post of Sarpanch impugned in tune with the judgment that would be delivered in the petition filed by him.

7. Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde