

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

**WRIT PETITION NO. 10059 OF 2017
WITH
CIVIL APPLICATION NO. 1111 OF 2019**

**GAHININATH EKNATH BORUDE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

Mr.Pankaj Bharat, Advocate for the petitioner.
Mrs.M.A. Deshpande, Advocate for the respondent/State.
Mr.S.T.Shelke, Advocate for respondent No.5.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.
DATED : 23.01.2019**

P.C. :-

1. Heard learned Counsel Mr. Pankaj Bharat for the petitioner, learned AGP for respondent Nos.1 to 4 and Mr. S.T. Shelke h/f. Mr. S.S. Wagh for respondent No.5. The petitioner was before this Court challenging the order passed by the District Collector, Ahmednagar dated 22.12.2016 in Grampanchayat Dispute No. 129 of 2016. It may not be necessary for us to refer the details of the order impugned in the petition. Suffice to say that the petitioner was elected as a Member of the Grampanchayat,

Chede Chandgaon, Tal. Shevgaon, Dist. Ahmednagar failed to submit caste validity certificate to the authorities within stipulated period. As such, dispute was filed seeking disqualification of the petitioner. The District Collector by his detailed order allowed the dispute and necessary compliance was of incurring disqualification by the petitioner and alike members. Being aggrieved by the order of the District Collector, the petitioner was before this Court and notice was issued on 09.08.2017. In view of order of the Hon'ble Apex Court in Special Leave to Appeal (C) No.29874-29875/2016, the petitioner was protected by ad-interim relief in terms of prayer clause (B).

2. Mr. Shelke, learned Counsel appearing for respondent No.5 submits that in view of authoritative judicial pronouncement by the Hon'ble Apex Court, the petitioner cannot claim any benefit and the petition needs to be disposed of in view of judgment of the Hon'ble Apex Court. Learned AGP also supports the

submission of Mr. Shelke, learned Counsel appearing for respondent No.5. Learned Counsel appearing for the petitioner also fairly admits the position of law.

3. Considering these facts, only course open for us is to dismiss the petition. Same is accordingly dismissed.

4. In view of dismissal of the petition, no orders are required to be passed on application for vacation of interim order. That Civil Application is accordingly disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]