

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

WRIT PETITION NO. 10142 OF 2019

Shobhabai Raghunath Koli .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 10165 OF 2019

Bhilabai Vithal Koli .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 10166 OF 2019

Ushabai Lotan Kunvar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 10167 OF 2019

Nanabhau Paulad Sonwane (Koli) .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 10168 OF 2019

Dharu Manga Koli .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 10169 OF 2019**

Shravan Babu Sonwane (Koli) .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Dhananjay B. Thoke, Advocate for the Petitioner in all matters.

Shri V. M. Kagane, A.G.P. for Respondent Nos. 1 to 3 and 7 in W.P. No. 10142 of 2019 and W. P. No. 10165 pf 2019.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 3 and 7 in W.P. No. 10166 of 2019.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 3 and 7 in W.P. No. 10167 of 2019.

Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 to 3 and 7 in W.P. No. 10168 of 2019.

Shri K. B. Jadhavar, A.G.P. for Respondent Nos. 1 to 3 and 7 in W.P. No. 10169 of 2019.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 19TH AUGUST, 2019.

FINAL ORDER :

. Mr. Thoke, the learned advocate for petitioners submits that, all these petitioners are elected from reserved category as members of the Gram Panchayat. Their proposals have been

referred to the Committee for verification of their castes. Same are not yet decided. However, the authority has disqualified the petitioners on the ground that validity certificates are not submitted within stipulated period. The learned counsel further submits that, it is not in the hands of the petitioners to get the proceedings decided within stipulated period.

2. We have also heard the learned Assistant Government Pleaders for respondents in respective matters.

3. It has been held by the Full Bench of this Court in a case of **Anant H. Ulhalkar Vs. Chief Election Commissioner** reported in ***2017(1) Mh.L.J. 431*** the period stipulated U/Sec. 10(1-A) of the Maharashtra Village Panchayat Act is mandatory. Same is also confirmed by the Apex Court. The subsequent amendment/ordinance of the State Government would also not inure to the benefit of the petitioners. Said ordinance gave permission to those candidates who have been issued with the validity certificates and the same is submitted within fifteen days of the said order. Admittedly, the petitioners did not possess validity certificate as on today. In the light of that, no error has been committed in the impugned orders. The writ petitions accordingly are disposed of. No costs.

4. It is submitted that, the validation proceedings are pending

with the Committee. The Committee shall endeavour to decide the validation proceedings expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner. The petitioners shall appear before the Committee on 03rd September, 2019.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/August 19