

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12070 OF 2019

RAMESH KARBHARI DHANNE
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

Mr.M.K.Bhosle, Advocate for the petitioner.
Mr.S.W.Munde, AGP for respondent Nos. 1 to 4.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 01/10/2019

PER COURT :

1. The petitioner/original complainant is aggrieved by the order passed by the Additional Divisional Commissioner No.2, Aurangabad dated 27/08/2019, by which he has set aside the order of the District Collector dated 27/08/2018 disqualifying respondent No.5 as being the Sarpanch of the Village Panchayat on the ground that her caste certificate was a forged document.

2. The learned Advocate for the petitioner points out the copy of the caste certificate of the Sarpanch, which is by her marital name Sangita Gokul Dhanne. She contested the election to the position reserved for the "*Chambhar*" Scheduled Caste. Subsequently, she got

a caste validity certificate from the competent committee vide order dated 24/10/2018. The report of the Tahsildar, Aurangabad dated 06/08/2018 indicates that the caste certificate dated 12/04/1995, which was produced by the Sarpanch in her marital name, was never issued by the competent authority and there is no record of the issuance of the said document. She had got married after 2001. Subsequently, she has produced a fresh caste certificate dated 03/11/2017 in her maiden name.

3. The learned AGP submits that the competent authority under the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 has considered all the above aspects. The learned Advocate for the petitioner submits that the forgery committed by the Sarpanch was not noticed by the said Committee which granted validity certificate on the ground that it is not required to be investigated as regards the origin of the caste certificate.

4. In my view, a challenge to the caste validity certificate and the judgment of the competent authority cannot be a subject matter of this petition. The Sarpanch has a caste validity in her favour.

Unless the caste validity certificate is not set aside, she cannot be unseated as a Sarpanch. The learned Advocate for the petitioner submits that he would challenge the caste validity certificate and the judgment dated 24/10/2018 delivered by the competent committee before the learned Division Bench of this Court.

5. In view of the above, this petition is disposed off. If eventually, the petitioner succeeds before the learned Division Bench and if the caste validity certificate of respondent No.5 Sarpanch is set aside, the petitioner would be at liberty to challenge her election.

(Ravindra V.Ghuge, J.)