

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

146 WRIT PETITION NO.11708 OF 2019

**SHABANABEGAM YOUNUSPASHA SHAIKH
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS**

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Advocate for Petitioner : A.M. Inamdar
AGP for Respondents: S.B.Narwade
Adv.Kadethankar Ajit B. For R. No. 2 To 7

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**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.
DATE : 11.11.2019**

PC. :-

The notice convening meeting for electing the Sarpanch of Gram Panchayat, Tamsa to be held on 16/9/2019 at 2 p.m. was issued. The post of Sarpanch is reserved for S.T. category. The nomination of the petitioner is rejected on the ground that the petitioner has not submitted validity certificate.

2] It is submitted that the further election could not take place and the post of Sarpanch of Gram Panchat, Tamsa is still vacant.

3] Mr.Kadethankar, learned counsel for respondent no.2 submits that Maharashtra Ordinance No.26/2019 dated 20/9/2019 would come to the benefit of the petitioner. Section 3 of the said Ordinance reads thus :

“3] In Section 30-1A of the Maharashtra Village Panchayats Act, for the existing provisos, the following provisos shall be substituted, namely :-

provided that for the elections for the post of *Sarpanch* for which the last date of filing of nomination falls on or before the 30th June 2020, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers, -

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of 12 months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

provided further that, if such person fails to produce the Validity Certificate within a period of 12 months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a *Sarpanch*.”

4] It is submitted that the petitioner has already filed her proposal seeking validity of her caste certificate and the same is pending.

5] The petitioner may get the benefit of the Ordinance for future election of the Sarpanch to be held on or before 30/6/2020, the order cannot be faulted with on the ground that on the date on which the order is passed Ordinance did not come into effect.

6] In light of the above, we pass the following order :

7] In case election of the post of Sarpanch of Gram Panchayat, Tamsa, Tq. Hadgaon is to be held then the nomination of the petitioner and of any such candidates for the reserved post be considered who had submitted the proposal for validation of his/her caste claim and the same is pending with the committee, the same would be in tune with Section 3 of the Ordinance referred to supra.

8] With the aforesaid observation, Writ Petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V.GANGAPURWALA,J.]

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