

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13378 OF 2019
REVUBAI PANDIT MULJE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.N.Patne, Advocate for the petitioner.
Mr.S.W.Munde, AGP for respondent Nos. 1 to 4.

(CORAM : Ravindra V.Ghuge, J.)
DATE : 05/11/2019

PER COURT :

1. The petitioner/elected member of the Village Panchayat Act, had contested for the said position in view of the reservation made applicable. She was elected on 16/10/2017. She had tendered an undertaking that she would submit her caste validity certificate within 6 months. She had failed to do so.

2. The learned Advocate for the petitioner has vehemently canvassed the grounds formulated in the memo of the petition. Contention is that the hearing before the District Collector, Osmanabad commenced on 27/12/2018 with regard to her disqualification u/s 10-1A of the Maharashtra Village Panchayat Act. On 18/07/2019, the matter was reserved for "passing orders". On the same date, the petitioner received the caste validity certificate.

Yet, by the impugned order dated 09/08/2019, the District Collector, Osmanabad has disqualified the petitioner u/s 10-1A.

3. The issue as regards submission of caste/tribe validity certificate as a chequered history. The learned Full Bench of this Court has delivered a judgment in Anant H.Ulahalkar Vs. Chief Election Commissioner [2017(1) Mh.L.J. (FB) 431], concluding that the provision of submitting the caste / tribe validity certificate within 6 months from the date of the election, is a mandatory provision. This matter travelled to the Hon'ble Apex Court and in the matter of Shankar s/o Raghunath Devre (Patil) Versus State of Maharashtra in petitions for Special Leave to Appeal (C) Nos.29874-29875/2016, the mandate under the Law was upheld. Thereafter, the State of Maharashtra started issuing ordinances for protecting such candidates. The last Maharashtra Ordinance – II was published on 14/02/2019 and the protection was extended only upto 14/05/2019.

4. Considering the above, I do not find that the impugned order could be termed as being perverse or erroneous. This petition, being devoid of merit, is therefore, dismissed.

(Ravindra V.Ghuge, J.)