

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13579 OF 2019
WITH
WRIT PETITION NO.13580 OF 2019

SANDIP BAPU GADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Shri Temak Rahul B.
AGP for Respondents 1 to 4 : Shri Yadav-Lonikar S.R.
Advocate for Respondent 6 : Shri Syed G.R. h/f Shri Patekar N.B.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: November 28, 2019
...

PER COURT :-

1. In both these petitions, the petitioners are the Member and directly elected Sarpanch respectively. Both have suffered disqualification under Section 10(1A) of the Maharashtra Village Panchayat Act, on account of their failure to tender their Caste Validity Certificate within the prescribed time. Both have been elected on their respective positions reserved for particular caste.

2. The petitioner / Sandip, who is a Member, received his Caste Validity Certificate from the Competent Committee on 27.6.2019. He was elected on 28.5.2018. The time limit to tender the Caste Validity Certificate, as per the new law, was of one year, which would expire on 28.5.2019. His Caste Validity Certificate carries the date

24.5.2019, which is four days within the limitation. However, he lost his wife on 18.5.2019 and the Committee delivered the certificate on 27.6.2019.

3. As such, since the petitioner Sandip was not able to tender his Caste Validity Certificate, he would not be entitled for any protection in view of the law crystallized by the learned Full Bench of this Court in the matter of Anant H. Ulahalkar Vs. Chief Election Commissioner and others [2017 (1) Mah. L.J. 437], [Confirmed by Honourable Supreme Court in Shankar Raghunath Devre (Patil) Vs. State of Maharashtra - (2019) 3 SCC 220].

4. The first petition is, therefore, dismissed.

5. In the second petition, the petitioner Santosh is a directly elected Sarpanch. The time to tender the Caste Validity Certificate is of one year, as prescribed under Section 30(1A). He was elected as a Sarpanch on 28.5.2018 and he was mandated to tender the Caste Validity Certificate on/or before 28.5.2019. Santosh has still not received the Caste Validity Certificate and his claim is still pending. He, therefore, has been rightly disqualified and would not be entitled for any protection.

6. The second petition is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

...

akl/d