

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

WRIT PETITION NO.13851 OF 2019

RANI AMBADAS WAYKOS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Advocate for the Petitioner : Shri Thombre S.S. a/w Shri M.S.Karad
AGP for the Respondents/ State : Shri A.R.Kale

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th November, 2019

Per Court:

1 The petitioner is aggrieved by the order dated 09.10.2019 passed by the District Collector, Aurangabad thereby, disqualifying the petitioner under Section 10-1A of the Maharashtra Village Panchayats Act for having failed to submit the caste validity certificate within the time prescribed.

2 The learned advocate for the petitioner has strenuously criticized the impugned order. He submits that it is not within the domain of the petitioner to expedite the hearing and decision of the Caste Scrutiny Committee for deciding the pending caste validity claim of the petitioner. When she filled in the nomination form for the Palkhed Village Panchayat

in 2015, she had produced the acknowledgment receipt of her pending caste claim dated 16.07.2015. She had contested the elections to the post of a member, which was reserved for the Other Backward Category (Women) in ward no.2.

3 The learned AGP points out that the Maharashtra Ordinance No.II/2019 dated 14.02.2019 has given a breathing time to such candidates and they are at liberty to file their validity certificates on or before 14.05.2019. The petitioner has still not received the validity certificate and cannot be protected by the said ordinance.

4 It requires no mention that the issue as regards the mandate of producing the validity certificate within six months from the date of the election, has been sustained by the learned Full Bench of this Court in the case of *Anant H. Ulahalkar vs. Chief Election Commissioner and another, 2017 (1) Mh.L.J. 431*. After the matter was carried to the Honourable Supreme Court, in the case of *Shankar Raghunath Devre (Patil) vs. State of Maharashtra and others in Petitions for Special Leave to Appeal No.29874-29875 of 2016 decided on 23.08.2018*, the said mandate has been sustained. Subsequently, the State of Maharashtra has introduced various ordinances and extended the limit from time to time. The last such extension was by the Maharashtra Ordinance No.II/2019.

5 Considering the above, the petitioner would not be entitled

for any protection having failed in submitting her caste validity certificate on or before 14.05.2019. This Writ Petition being devoid of merit is, therefore, dismissed.

kps

(RAVINDRA V. GHUGE, J.)