

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13911 OF 2018

Shakuntala Chandar Boywar alias

Shakuntala Shukaj Waghmare

.. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Mr. P. G. Rodge, Advocate for the Petitioner.

Mrs. V. N. Patil Jadhav, A.G.P. for Respondent
Nos. 1 to 3 and 5.

CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 8th JANUARY, 2019

PER COURT :

1. Mr. Rodge, the learned Advocate submits that the validation proceeding in respect of the caste claim of the petitioner is pending since the year - 2015. The same is not yet decided and now the Authority has issued notice to the petitioner seeking disqualification of the petitioner. The learned counsel submits that the committee be directed to decide the proceeding expeditiously and till then protection be granted to the

petitioner as the petitioner is Sarpanch of the Grampanchayat.

2. The judgment of the Full Bench of this Court in a case of Anant Hanumant Ulahalkar and another Vs. Chief Election Commissioner and others reported in 2017 (1) Mh. L. J. 431 is upheld by the Apex Court. It has been held that the proviso to Section 10(1)(a) of the Maharashtra Village Panchayat Act, 1958 is mandatory. Non submission of validity within six months invokes disqualification. Subsequently the amendment has been made and the period of six months has been extended to one year by the Legislature. The amended provision would also not inure to the benefit of the petitioner as much as one year has lapsed and the validity has not been submitted, may be it is not the fault of the petitioner, however, the statutory provision cannot be circumvented.

3. In the light of above, no relief can be

granted to the petitioner with regard to the proceedings of the disqualification, however the respondent - scrutiny committee shall endeavour to decide the proceeding in respect of the caste claim of the petitioner within a period of four (4) months from the date of appearance of the petitioner before it. The petitioner shall appear before the respondent - scrutiny committee on 15.01.2019.

4. The writ petition accordingly stands disposed of. Earlier interim relief granted stands vacated. No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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