

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 960 OF 2018

Sau. Sangita Gajanan Sable
vs.
Additional Collector, Washim and others

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. A. V. Band, counsel for petitioner.
Smt. Kalyani Deshpande, AGP for respondents No.1 to 3.

CORAM : MANISH PITALE J

DATED : 04/12/2019

The subject matter of challenge in the present writ petition are orders passed by the Collector and the Additional Commissioner, whereby the petitioner was held to be disqualified to hold the position of elected Member of the Gram Panchayat Gobhani, District Washim, by operation of Section 10(1)(A) of the Maharashtra Gram Panchayat Act, 1959, since the petitioner had failed to submit cast validity certificate within six months of being elected as a Member of the Gram Panchayat.

2. While issuing notice on 20/02/2018, this Court had granted ad-interim order in favour of the petitioner as a result of which, he stood protected as elected Member of the Gram Panchayat. The learned counsel appearing for the petitioner submits that with subsequent events and ordinances issued by the respondent State, the position of law

as regards the requirement of mandatorily submitting caste validity certificate within a period of six months, has been diluted. As per the first such ordinance, those Members who had failed to submit their caste validity certificate were granted further time of one month to do so and as per second ordinance, those who had failed to comply with the time limit specified in the first ordinance were further granted time period of three months to submit caste validity certificate.

3. In the present case, admittedly the petitioner submitted caste validity certificate on 05/10/2016 itself, thereby showing that he would not attract disqualification under Section 10(1)(A) of the aforesaid Act, as amended by the subsequent ordinances.

4. The learned counsel appearing on behalf of the respondents No.1 to 3, does not dispute the said position on facts.

5. In view of the above, the present writ petition is allowed. The impugned orders are quashed and set aside.

JUDGE