

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1593 OF 2019

- 1] Smt. Sharda Mahadev Madavi,
aged about 32 years, Occ. - Labour,
R/o Uchegaon, Tq. Darvha, Distt. Yavatmal.

.... **PETITIONER**

// VERSUS //

- 1] Collector, Yavatmal District, Yavatmal.
- 2] Tahsildar, Darvha, Tq. Darvha, Distt. Yavatmal.
- 3] The Scrutiny Committee for verification of
caste certificate of scheduled Tribe,
Amravati through its Vice Chairman.

(Deleted as per Hon'ble Court's order dated 01.03.2019)

.... **RESPONDENTS**

Shri N.R. Saboo, Adv. for the petitioner.
Ms Kalyani Deshpande, A.G.P. for the respondents.

CORAM : Z.A.HAQ, J.

DATED : 1st August, 2019

ORAL JUDGMENT :

Heard.

- 2] **RULE.** Rule made returnable forthwith.

3] The petitioner (elected member of the Panchayat Samiti) has challenged the order passed by the learned Collector, disqualifying her from continuing as member of the Panchayat Samiti, on the ground that she has not submitted caste validity certificate within the stipulated time as required by Section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

4] The learned Advocate for the petitioner and the learned A.G.P. submitted that the issue which arises for consideration in this petition is covered by the judgment given by this Court in Writ Petition no. 968 of 2017 on 25.02.2019 (Priya Rahul Kokate -Vs- The Collector, Akola and ors.). It is submitted that the election for the post held by the petitioner, is not conducted after her disqualification.

5] In view of the submission made by the learned Advocate for the petitioner and the learned A.G.P. as recorded above, the following order is passed :

- (i) For the reasons stated in the judgment delivered in the Writ Petition No 968 of 2017 on 25.02.2019, the impugned order is set aside.

- (ii) The respondents are directed to permit the petitioner to continue as member of Panchayat Samiti, until the term expires or she is removed by due course of law.

Rule is made absolute accordingly. In the circumstances, the parties to bear their own costs.

JUDGE

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