

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

WRIT PETITION NO.2774 OF 2017

Sulochana w/o Rajesh Baiskar and anr.

-vs-

Additional Collector, Washim and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Amit V. Band, Advocate for petitioner.

Shri S. M. Ghodeswar, Assistant Government Pleader
for respondent Nos.1 and 3.

CORAM : A.S.CHANDURKAR, J.

DATE : April 16, 2019

Heard finally with consent of learned counsel for the parties.

The petitioners herein have challenged the order dated 13/02/2017 passed by the Additional Commissioner upholding the disqualification of the petitioners under provisions of Section 10 (1-A) of the Maharashtra Village Panchayats Act, 1958 (for short, the said Act) on the ground that they did not possess the requisite validity certificate in the light of the fact that they had contested the elections from reserved seats.

2. In so far as petitioner No.1 is concerned validity certificate dated 25/02/2016 is shown to have been issued. In so far as petitioner No.2 is the validity certificate dated 26/02/2016 is shown to have been issued.

3. After hearing the learned counsel for the parties and in the light of the amendment as brought into force by Section 8 of Act 66 of 2018, it is clear that the petitioners having obtained requisite validity certificates they could not have been disqualified under provisions of section 10(1-A) of the said Act as amended. In view of the subsequent amendment, the election of the petitioners is liable to be upheld. In that view of the matter, the order dated 04/11/2016 passed by the Additional Collector as well as the order dated 13/02/2017 passed by the Additional Commissioner disqualifying the petitioners are set aside. It is held that the petitioners are entitled to continue as members of the Gram Panchayat for remainder of the time.

The writ petition is allowed. Rule is made absolute in aforesaid terms with no order as to costs.

JUDGE