

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

**CIVIL APPLICATION NO. 200 OF 2020
IN
WRIT PETITION NO. 15272 OF 2019**

Sarika Radhaji Mane @
Sarika Hanumant Bhutkar .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Niteen V. Gaware, Advocate for the Applicant.
Shri S. B. Narwade, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.
DATE : 10TH JANUARY, 2020.**

FINAL ORDER :

. The applicant/petitioner is disqualified as a member of the gram panchayat on the ground that her caste claim is invalidated and the applicant/petitioner had contested election from the reserved category.

2. Mr. Gaware, the learned counsel submits that, now election is declared. The respondents be enjoined from holding election for the post held by the applicant. The applicant has got strong *prima facie* case on merits in the writ petition. The invalidation is on erroneous grounds.

3. The provision of Sec. 10(1-A) of the Maharashtra Village

Panchayat Act (for short “Said Act”) is self operative. If validity is not produced within a period of one year from the date the candidate is elected, he stands disqualified. The Full Bench of this Court in a case of Anant H. Ulhalkar Vs. Chief Election Commissioner reported in *2017(1) Mh.L.J. 431* has held that the provision of Sec. 10(1-A) of the said Act to be mandatory. Said judgment is upheld by the Apex Court.

4. In view of that, at present no relief can be granted to the applicant. The civil application as such is disposed of.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 20