

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

WRIT PETITION NO.2598 OF 2020

SHILE SHIVKANTA SADASHIV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Shri C. V. Dharurkar
AGP for Respondent Nos. 1 to 3 : Shri S. K. Tambe

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 9th MARCH, 2020

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PER COURT :

1. I have heard the learned Advocate for the Petitioner and the learned AGP on behalf of the Respondents.

2. The elections to the Grampanchayat, Omerga Retu were held on 07/10/2017 and the Petitioner was declared as a returned candidate. He had contested the election to a constituency which was reserved for the 'Dhangar' Caste falling under NT(D) Community.

3. The Petitioner's Caste Certificate is dated 20/09/2017 and he has received his Caste Validity

Certificate on 28/09/2018. He has been disqualified by the impugned order of the District Collector dated 23/01/2019. By the same order several other elected representatives have been disqualified for failing to tender the caste certificate within one year from the date of the elections in view of Maharashtra Ordinance XXI of 2018 dated 11/10/2018.

4. The learned AGP has strenuously opposed this petition.

5. The learned Advocate for the Petitioner submits that elections have still not been declared and the post occupied by the Petitioner has not been declared as vacant.

6. It appears that the Petitioner has acquired his Caste Validity Certificate which was tendered to the appropriate authorities on 21/12/2018. In my view, Maharashtra Ordinance No. II of 2019 dated 14/02/2019 would protect the Petitioner as time was extended till 14/05/2019 for tendering the Caste / Tribe

Validity Certificate. When the impugned order was passed, Maharashtra Ordinance No. II of 2019 was not available.

7. In view of the above, the Petitioner succeeds and this petition is allowed. The impugned order dated 21/03/2019 stands quashed and set aside and the Petitioner stands reinstated to the position held by her.

(RAVINDRA V. GHUGE, J.)

shp/-