

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

19 WRIT PETITION NO.3145 OF 2020

GANESH JAGNNATH KATKHADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

20 WRIT PETITION NO.3146 OF 2020

SAMIR BHASKAR PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

22 WRIT PETITION NO.3148 OF 2020

PAMABAI VIKRAM MURGUND
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Shri Aghav Avinash D.
AGPs for Respondents 1 to 3 : S/shri Shinde A.S., Bhagat N.T.
and Munde S.W.

Advocate for Respondent 4 : Shri Kedar S.R.

...

CORAM : RAVINDRA V. GHUGE, J.

Dated: February 24, 2020

...

PER COURT :-

1. I have heard the learned Advocates for the respective sides and the learned AGP. These three petitioners have been disqualified under Section 10(1A) of the Maharashtra Village Panchayat Act on the ground that they did not tender their caste validity certificates within one year from the date of their election to the membership of

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2- WRIT PETITION NO.3145 OF 2020 & ANR

the village panchayat. There is no dispute that the said positions were reserved for the backward categories.

2. I have perused the record placed before the Court and I find that these petitioners were elected in December 2017 and considering the Maharashtra Ordinance II, dated 14.2.2019, they were mandated to submit their validity certificates on/or before 14.5.2019. All of them have tendered their certificates on 14.2.2019 (two petitioners) and on 1.3.2019. Reliance is placed upon the judgment delivered by this Court dated 5.11.2019, in Writ Petition No.13369 of 2019 (Aurangabad) in the matter of Surekhabai Manoj Jaiswal Vs. State of Maharashtra.

3. Considering the above, the State Ordinance protects these petitioners and hence, these petitions are allowed. The impugned order dated 28.1.2020 cancelling their membership, stands quashed and set aside and the petitioners stand reinstated to their membership.

(RAVINDRA V. GHUGE, J.)

...