

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4028 OF 2020

SAVITA NILAWATI JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.R.B.Dhakane, Advocate for the petitioner.
Mr.A.S.Shinde, AGP for respondent No.1.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 13/03/2020

PER COURT :

1. The petitioner is aggrieved by the order dated 28/01/2020 passed by the Dist.Collector, Beed, by which, the petitioner has been disqualified u/s 10(1A) of the Maharashtra Village Panchayats Act.

2. The petitioner was elected on 11/10/2017 to the Gram Panchayat Jat-Nandur. Considering the law laid down by the Hon'ble Apex court in the matter of Shankar Raghunath Devre (Patil) Vs. State of Maharashtra and others [SLP (C) No.29967/2016 and other connected matters dated 23/08/2018] and by the learned Full Bench of this Court in the matter of Anant H.Ulahalkar Vs. Chief Election Commissioner [2017(1) Mh.L.J. (FB) 431], the petitioner was

mandated in submitting her caste validity certificate on or before 14/05/2019 considering Maharashtra Ordinance No.21 dated 11/10/2018 and Maharashtra Ordinance II dated 14/02/2019. She received her validity certificate on 12/07/2019 and failed to tender it till the date of the impugned order.

3. The learned Advocate for the petitioner raises a grievance that the District Collector has not accorded a reasonable opportunity of hearing and the matter may be remanded by setting aside the impugned order.

4. It requires no debate that an opportunity of hearing has to be given to a litigating party. It appears from the impugned order that the District Collector, after issuing notices to the concerned categories, has relied upon the record available and has disqualified 84 candidates in one stroke. I have, therefore, heard the learned Advocate for the petitioner and I find that since the petitioner is not protected by the law as it stands today, and even if a hearing is ordered before the District Collector, she would stand disqualified u/s 10(1A), that I do not find that any purpose would be served by remanding the matter to the District Collector.

5. This petition, being devoid of merit, is therefore dismissed.

(Ravindra V.Ghuge, J.)