

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

WRIT PETITION NO. 3198 OF 2020

SAHEBRAO HIRAMAN KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Shri V. P. Patil
AGP for Respondent Nos. 1 to 4 : Shri S. K. Tambe

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 24th FEBRUARY, 2020

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PER COURT :

1. This matter was not on board. The learned Advocate for the Petitioner made a request at 10.30 a.m. that the matter be taken on the production board alongwith objections. Considering the grave urgency cited, this matter was taken on the production board at 2.30 p.m.

2. I have considered the strenuous submissions of the learned Advocate for the Petitioner and the learned AGP on behalf of Respondent Nos. 1 to 4.

3. The Petitioner was elected as a Member of the Grampanchayat, Dhanur-Lonkute on 17/10/2017. Prior thereto, his proposal for seeking validation of his schedule Tribe claim was forwarded to the concerned committee on 18/09/2017. On 20/01/2018 and 21/02/2018, the Petitioner moved representations before the committee for an early decision on his claim. Thereafter he resorted to a hunger strike. His claim is still pending and he is yet to receive a validity certificate.

4. The learned AGP has opposed this petition on the ground that though the State of Maharashtra has issued several Ordinances and extended the time for filing the validity certificates, the last Maharashtra Ordinance No. II dated 14/02/2019 grants time to such candidates upto 14/05/2019. Thereafter, there has been no extension of time.

5. The learned Advocate for the Petitioner has strenuously canvassed that he cannot be faulted for the act of the committee in not deciding his claim

expeditiously. It is beyond his means to have the claim decided within a particular period. He, therefore, submits that there cannot be a disqualification under Section 10-1A of the Maharashtra Village Panchayats Act. He further submits that he has only received the covering letter from the office of the District Collector dated 11/02/2020 informing him that he has been disqualified under Section 10-1A. He is yet to receive the full text of the order.

6. Notwithstanding the strenuous submissions of the learned Advocate for the Petitioner, I find that the mandate of Section 10-1A has already been dealt with 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 arguments canvassed by the learned Advocate for the Petitioner in this case, were also canvassed before the learned Full Bench. Similar matters and those challenging the view taken by the learned Full Bench, were considered by the Honourable Apex Court in the

matter of ***Shankar s/o Raghunath Devre (Patil) vs. State of Maharashtra, Spl. Leave to Appeal (c) Nos. 29874-20875/16 (WP No. 5686/16 dtd. 02/09/2016*** and the Honourable Apex Court upheld the view taken by the learned Full Bench.

7. Considering the above and notwithstanding that the special meeting has been convened on 25/02/2020 (or 26/02/2020), the Petitioner cannot be granted any protection. This petition, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-