

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4027 OF 2020

GANESH ARJUN DHAVLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.P.Shirsat, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for respondent Nos. 1 to 3.

(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 District Collector, Beed by which, the petitioner has been disqualified u/s 10(1A) of the Maharashtra Village Panchayats Act for having failed in submitting a caste validity certificate.

2. I have heard the learned Advocates for the respective sides.

3. The petitioner was declared elected to the Manur, Badewadi, Bahirwadi, Jatav Gram Panchayat on 11/10/2017. Considering the amendments introduced by the State Government to Section 10(1A), the period of tendering the validity certificate was extended to one

year. The petitioner was therefore entitled to submit his validity certificate on or before 11/10/2018. By Maharashtra Ordinance No.XXI dated 11/10/2018, the elected candidates were protected against disqualification and by a subsequent Maharashtra Ordinance No.II dated 14/02/2019, the period was extended upto 14/05/2019.

4. It appears that the District Collector, Beed has mechanically passed an order disqualifying elected gram panchayat members. The petitioner had submitted his caste validity certificate on 05/01/2019 and was legally protected. The petitioner contends that he submitted the caste validity on 05/01/2019. The revenue record, however, indicates that they received the validity on 01/05/2019. In any case, the petitioner is protected by Ordinance II of 2009.

5. In view of the above, this petition is allowed. The impugned order dated 28/01/2020 is quashed and set aside and the petitioner is reinstated as the member of the Gram Panchayat.

(Ravindra V.Ghuge, J.)