

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
953 WRIT PETITION NO.5990 OF 2020**

USHABAI NARAYAN KAMBLE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. B. G. Sagade, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 08th SEPTEMBER, 2020.

PER COURT:-

1. Mr. Sagade, learned counsel for the petitioner submits that the petitioner was elected on 25.02.2019. The petitioner was required to submit validity on or before 24.02.2020. The petitioner received the validity certificate on 18.06.2020. The learned counsel submits that the delay in issuing the validity certificate is at the behest of the Scrutiny Committee. The petitioner is not at fault. Even otherwise the petitioner has received the validity certificate, in view of that the impugned order disqualifying the petitioner under Section 10(1-A) of the Maharashtra Village Panchayats Act, 1958 deserves to be set aside.

2. The learned A.G.P. submits that admittedly the petitioner has not submitted the validity certificate within the stipulated period, hence stands disqualified. The learned A.G.P. relies on

the judgment of Full Bench of this Court in case of **Anant H. Ulahalkar & Anr. Vs. Chief Election Commissioner & Ors.** reported in 2017 (1) Mh.L.J. 431 and confirmed by the Supreme Court of India.

3. In view of the judgment of the Full Bench of this Court in case of **Anant H. Ulahalkar & Anr. Vs. Chief Election Commissioner & Ors.** (supra) and confirmed by the Supreme Court of India, the disqualification of the petitioner on the ground of non-submission of the validity certificate within a stipulated period under Section 10(1-A) of the Maharashtra Village Panchayats Act, 1958 is axiomatic.

4. In light of that, no relief can be granted to the petitioner.

5. Writ Petition stands disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE