

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

**WRIT PETITION NO. 6453 OF 2017
WITH
CIVIL APPLICATION NO. 13739 OF 2017
CIVIL APPLICATION NO. 13738 OF 2017**

Vandana Rameshwar Autade,
Age-25 years, Occu-Household,
R/o. Sarala, Tq. Shrirampur,
Dist. Ahmednagar

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumabai-32
2. The District Collector,
Ahmednagar
3. The Divisional Commissioner,
Nashik Division, Nashik
4. The Secretary / Gram Sevak,
Gram Panchayat, Sarala,
Tq. Shrirampur, Dist. Ahmednagar
5. The Tahsildar,
Shrirampur, Tq. Shrirampur,
Dist. Ahmednagar
6. The State Election Commission,
State of Maharashtra, Mumabai

...RESPONDENTS

Mr. R. R. Karpe, Advocate for the petitioner
Mr. S. S. Wagh, Advocate h/f Mr. S. T. Shelke, Advocate for
respondent No. 6
Mr. A. R. Kale, AGP for the respondent/State

**WITH
WRIT PETITION NO. 6354 OF 2017**

Ramesh Bhivsen Khandagale,
Age-50 years, Occu-Agri,
Adhodi, Tq. Shevgaon,
Dist. Ahmednagar

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through The Secretary,
Rural Development Department
Mantralaya, Mumabai-32
2. The Additional Collector,
Ahmednagar
3. The Tahasildar,
Tq. Shevgaon,
Dist. Ahmednagar

...RESPONDENTS

Mr. H. U. Dhage, Advocate h/f Mr. V. V. Tarde, Advocate for the
petitioner
Mr. A. R. Kale, AGP for the respondent/State

**WITH
WRIT PETITION NO. 6454 OF 2017
WITH
CIVIL APPLICATION NO. 13741 OF 2017
CIVIL APPLICATION NO. 13740 OF 2017**

Priyanka Janardhan Rokde,
Age-22 years, Occu-Household,
R/o. Sarala, Tq. Shrirampur,
Dist. Ahmednagar

...PETITIONER

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32
2. The District Collector,
Ahmednagar
3. The Divisional Commissioner,
Nashik Division, Nashik
4. The Secretary/ Gram Sevak,
Gram Panchayat, Sarala,
Tq. Shrirampur, Dist. Ahmednagar
5. The Tahasildar,
Shrirampur, Tq. Shrirampur,
Dist. Ahmednagar
6. The State Election Commission
State of Maharashtra, Mumbai

Mr. R. R. Karpe, Advocate for the petitioner
Mr. S. S. Wagh, Advocate h/f Mr. S. T. Shelke, Advocate for
respondent No. 6
Mr. A. R. Kale, AGP for the respondent/State

WITH
WRIT PETITION NO. 6460 OF 2017
WITH
CIVIL APPLICATION NO. 13733 OF 2017
CIVIL APPLICATION NO. 13736 OF 2017

Navnath Chandrabhan Lande, **...PETITIONER**
Age-35 years, Occu-Household,
R/o. Sarala, Tq. Shrirampur,
Dist. Ahmednagar

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**

Through its Secretary,
Rural Development Department,
Mantralaya, Mumabai-32

2. The District Collector,
Ahmednagar
3. The Divisional Commissioner,
Nashik Division, Nashik
4. The Secretary/ Gram Sevak,
Gram Panchayat, Sarala,
Tq. Shrirampur, Dist. Ahmednagar
5. The Tahasildar,
Shrirampur, Tq Shrirampur
Dist. Ahmednagar
6. The State Election Commission,
State of Maharashtra, Mumbai

Mr. R. R. Karpe, Advocate for the petitioner

Mr. S. S. Wagh, Advocate h/f Mr. S. T. Shelke, Advocate for
respondent No. 6

Mr. A. R. Kale, AGP for the respondent/State

**WITH
WRIT PETITION NO. 6355 OF 2017**

1. Bhagyashri W/o. Sanjay Gawali, **...PETITIONERS**
Age-38 years, Occu-Household,

2. Savitra W/o. Laxman Newase,
Age-42 years, Occu-Household,

All R/o. Kautha, Tq. Shrigonda,
Dist. Ahmednagar

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**

Through the Secretary,
Rural Development Department,
Mantralaya, Mumbai-32

2. The Additional Collector,
Ahmednagar
3. The Tahasildar,
Shrigonda, Tq. Shrigonda,
Dist. Ahmednagar

Mr. H. U. Dhage, Advocate h/f Mr. V. V. Tarde, Advocate for the
petitioner

Mr. A. R. Kale, AGP for the respondent/State

**CORAM : Z. A. HAQ &
S. M. GAVHANE, JJ.**

DATED : 24-02-2020

ORAL JUDGMENT : [PER : S. M. GAVHANE, J.]

. Heard learned advocates appearing for the petitioners
and learned AGP for the respondents State authorities.

2. Rule. Rule made returnable forthwith.

3. Since orders dated 22-12-2016 and dated 23-12-2016
passed by the Additional Collector, Ahmednagar disqualifying the
petitioners from continuing as Member of concerned Gram
Panchayats for not submitting the validity certificates of their caste
within statutory period given under Section 10-1A of the
Maharashtra Village Panchayats Act, 1959 (hereinafter referred to
as 'the Village Panchayats Act') are challenged in all these petitions,

they are being disposed of by this common judgment.

4. Learned advocates appearing for the petitioners have submitted that there is no dispute that the petitioners contested the elections of Member of respective Gram Panchayats in 2015 and as per results of the elections dated 04-08-2015, the petitioners were elected as Members of respective Gram Panchayats on the reserved category seats. Petitioners were required to submit their caste validity certificates as per Section 10-1A of the Village Panchayats Act within six months of their elections. As the petitioners could not submit the caste validity certificates within the statutory period, the first four petitioners were declared disqualified as per separate orders dated 22-12-2016 and the petitioners in fifth petition were disqualified as per order dated 23-12-2016 of the Additional Collector, Ahmednagar. Therefore, the petitioners are before this Court.

5. Learned advocates appearing for the petitioners have submitted that immediately after filing the petitions, interim relief in terms of prayer clause (C) as per order dated 04-05-2017 was granted in favour of all the petitioners and protection granted to them continues till date.

6. Learned advocates appearing for the petitioners submitted that the petitioners were elected on 04-08-2015 and validity certificate in favour of the petitioner in writ petition No. 6453 of 2017 was issued on 01-07-2016, validity certificate in

favour of the petitioner in writ petition No. 6354 of 2017 was issued on 08-07-2016, validity certificate in favour of the petitioner in writ petition No. 6454 of 2017 was issued on 21-07-2016, validity certificate in favour of the petitioner in writ petition No. 6460 of 2017 was issued on 11-05-2016 and validity certificates in favour of the petitioner No.1 was issued on 12-02-2016 and petitioner No. 2 was issued on 18-07-2016 in writ petition No. 6355 of 2017 and as the said validity certificates were accordingly submitted by the petitioners within the period given under Section 8(2) of the Maharashtra Act No. LXVI of 2018.

7. According to learned advocates appearing for the petitioners, the Government of Maharashtra issued Maharashtra Ordinance No. II of 2019 to amend the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 on 14-02-2019 in the official gazette. It is submitted that as per Section 4 of Maharashtra Ordinance No. II of 2019, Sub-section 2 is introduced in Section 8 of the Maharashtra Act No. LXVI of 2018, and the petitioners get the benefit of said Section 4 of the Maharashtra Ordinance No. II of 2019. Said Sub-section 2 of Section 8 of the Maharashtra Act No. LXVI of 2018, is as under:

“Notwithstanding anything contained in sub-section (1), any person who has obtained Caste Certificate or Validity Certificate after the 26th March 2015, but has not filed such certificate within the stipulated period as per provisions of the

Maharashtra Village Panchayats Act, shall not be deemed to be disqualified under the provisions of the Maharashtra Village Panchayats Act, if he has already submitted the Validity Certificate to the Competent Authority after expiry of the such stipulated period but before the publication of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) (Amendment) Ordinance, 2019 in the Official Gazette or if he submits such certificate within a period of three months from the date of such publication of said Ordinance, 2019 in the Official Gazette.”

8. Learned Assistant Government Pleader has not been able to counter the submissions made by the learned advocates for the petitioners on the basis of Section 8(2) of the Maharashtra Act No. LXVI of 2018.

9. In the present matters, respective petitioners have got the validity certificates on 01-07-2016, 08-07-2016, 21-07-2016, 11-05-2016, 12-02-2016 & 18-02-2016 as referred earlier in detail and immediately submitted said certificates to the competent authority. Thereafter, they approached this Court. This Court granted interim relief in favour of the petitioners as per common order dated 04-05-2017 in the petitions. Consequently, the petitioners have continued as the Members of the respective Gram Panchayats. Therefore, it is clear that the petitioners get the benefit of amended Sub-section 2 of Section 8 of the Maharashtra Act LXVI of 2018, as they have submitted the caste validity

certificates before the publication of Maharashtra Ordinance No. II of 2019 in the Official Gazette. Therefore, they cannot be disqualified for not submitting the validity certificates within the period as was stipulated earlier.

10. As regards the petitioner, namely, Priyanka Janardhan Rokde in writ petition No. 6454 of 2017, the learned advocate for the petitioner submitted that she has also submitted the caste validity certificate and is entitled for protection as per the Maharashtra Ordinance No. II of 2019, however, inadvertently instead of Priyanka Sainath Kasare, her name is typed as Priyanka Janardhan Rokde in the cause title of the petition. It is further submitted that validity certificate of the petitioner is placed on record of the petition at Page No. 23. This document shows that it is in respect of Priyanka Sainath Kasare. It is submitted on behalf of the petitioner that it is her maiden name. However, no such statement is found in the petition. Hence, we are not inclined to consider the claim of the petitioner namely Priyanka Janardhan Rokde in writ petition No. 6454 of 2017 and grant liberty to the said petitioner to file fresh petition for redressal of her grievance, if so advised.

11. For the reasons aforesaid, all the petitioners except petitioner in writ petition No.6454 of 2017 are entitled to reliefs claimed. Hence, the following order is passed.

ORDER

- i] All the writ petitions, except writ petition No. 6454 of 2017, are allowed.
- ii] Orders impugned in the petitions, except writ petition No. 6454 of 2017, are set aside.
- iii] Rule is made absolute in above terms.
- iv] As far as the petitioner in writ petition No. 6454 of 2017 is concerned, we dispose of the petition with liberty to the petitioner Priyanka Janardhan Rokde to file fresh writ petition, if so advised. Interim order granted earlier, protecting petitioner shall continue for one month from today.
- v] In the circumstances, the parties to bear their own costs.
- vi] In view of disposal of the said Writ Petitions, Civil Application Nos. 13739 of 2017, 13741 of 2017, 13736 of 2017 for vacating the interim order and Civil Application Nos. 13738 of 2017, 13740 of 2017 and 13733 of 2017 for adding the party are disposed of.

[S. M. GAVHANE, J.]

[Z. A. HAQ, J.]