

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

WRIT PETITION NO.6549/2020

Rajendra S/o Mohanrao Deshmukh
Age : 50 years, Occu. Agri & Member
of Zilla Parishad, R/o Selu, Tq.
Basmat, Dist. Hingoli.

.. PETITIONER

VERSUS

1] The State of Maharashtra
through its Secretary
Revenue & Forest Department,
Mantralaya, Mumbai-32.

2] The District Collector
Hingoli.

3] Nadaf s/o Md. Bashir Khan
Age: 45 years, Occu. Social Worker,
R/o Chondi, Tq. Basmat
Dist. Hingoli.

..RESPONDENTS

...
Adv. Mr. A. S. Bajaj h/f H. I. Pathan for petitioner
A. G. P. Mr. S. N. Kendre for respondent nos. 1 and 2
Adv. Mr. G. R. Ingole for respondent no. 3
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CORAM : MANGESH S. PATIL, J.
DATE : 21/10/2020

ORAL JUDGMENT :-

Heard. Rule. The rule is made returnable forthwith. With the consent

of both the sides, the matter is heard finally at the stage of admission.

2] The petitioner is impugning the order of the Collector, Hingoli cancelling his election by invoking provisions of Section 12A of the Maharashtra Zilla Parishads and Panchayat Samities Act 1961 for failing to produce a caste validity certificate within stipulated period of 12 months.

3] The issue is no longer *res integra*. The decision of the Full Bench of this Court in the case of **Anant H. Ulhalkar and another V/s Chief Election Commissioner and others; 2017(1) Mh.L.J. 431** holding such period stipulated to be mandatory for production of the Caste Validity Certificate has been confirmed by the Supreme Court. In this view of the matter, there is no illegality committed by the Collector in cancelling the election of the petitioner for not producing the Caste Validity Certificate within the stipulated period. Learned advocate Mr.Bajaj submits that Collector is not the appropriate authority to give such a finding.

4] Suffice to say that the statute contemplates consequence to be automatic. Merely because the Collector has simply declared the consequence, one need not delve into that aspect of the matter.

5] The Writ Petition is dismissed. The rule is discharged.

[MANGESH S. PATIL, J.]