

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11792 OF 2019

Tai Dnyanadev Mote

@ Sau. Tai Haridas Salgar

..Petitioner

V/s.

The Maharashtra State Election

Commission & Ors.

..Respondents

Mr.S.A. Tarale for the Petitioner.

Mr.N.C. Walimbe, AGP for Respondent Nos.2 to 4-State.

CORAM : C.V. BHADANG, J.

DATE : 28th JANUARY 2020

P.C.

1. The petitioner was elected as a member of Grampanchayat Bemble, Taluka-Madha, District-Solapur, from a reserved category i.e. Nomadic Tribe. This was somewhere in November 2015. The petitioner claims to belong to Hindu Dhangar caste. As per provisions of Section 30(1A) of the Maharashtra Village Panchayat Act, 1958 ('Act' for short) the petitioner was required to produce a caste certificate, duly validated by the Caste Scrutiny Committee, within a period of one year. Admittedly, the petitioner has failed to do so.

2. In that view of the matter the District Collector, Solapur by the impugned order dated 21st June 2019 has declared the petitioner to be disqualified under Section 10-1A of said Act from holding the office of the member of the said Gram Panchayat.

3. It is contended on behalf of the petitioner that the petitioner had indeed obtained a certificate of validity, from the Caste Scrutiny Committee on 19th August 2016. However on account of inadvertence the petitioner failed to produce the same before the Competent Authority, within a period of one year. He therefore submit that the impugned order disqualifying the petitioner may be set aside.

4. On hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondent, I do not find that any case for interference is made out. A full Bench of this Court in the case of **Anant H. Ulahalkar & Anr. V/s. Chief Election Commissioner & Ors.**¹, while interpreting a similar provision in the Maharashtra Maharashtra Municipal Councils, Nagar Panchayats and Industrial Township Act, 1965 ('Act' for short) held that the provision about production of the caste validity

1 2017(1) Bom. C.R. 230

certificate is mandatory. In the present case admittedly the Caste certificate duly validated by the Caste Scrutiny Committee has not been produced within a period of one year. A perusal of the impugned order shows that the petitioner even failed to remain present before the learned Collector. Considering the overall circumstances no case for interference is made out. The petition is without any merit and it is accordingly dismissed, with no order as to costs.

C.V. BHADANG, J.