

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 3278 of 2020

Dadarao Dombaji Kharat Vs. The State of Maharashtra through its Secretary,
Department of Tribal Welfare and Others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Sachin Zoting, Advocate for the petitioner
Mr. Amit Chutke, AGP for the respondents No.1 to 4

CORAM : MANISH PITALE, J.

DATED : DECEMBER 09, 2020

Heard learned counsel for the petitioner.

2. This Petition arises out of orders passed by the respondents – Collector and Commissioner regarding disqualification of the petitioner from elected position of Sarpancha of the Grampanchayat for failure in submitting caste validity certificate, as required under Section 10(A) of the Maharashtra Village Panchayat Act, 1959.

3. The authorities below have held that since the petitioner failed to submit the caste validity certificate, as required under the said provisions, which stood amended even by subsequent Ordinances, no relief could be granted to the petitioner.

4. The principal ground raised in the present Writ Petition is that there was fundamental error and violation of basic principles of natural justice when the impugned order dated 07/07/2020, was passed by respondent – Collector, in as much as the Collector passed the order while hearing in the case was given by the Sub-Divisional Officer on the basis of delegation of authority by the respondent – Collector. On this basis, it was submitted that when the basic order was itself hit by violation of principles of natural justice, it should have been set aside by the respondent – Commissioner.

5. A perusal of the impugned order dated 23/11/2020, passed by the respondent – Commissioner shows that the said authority had applied its mind to the facts of the present case to come to a conclusion that on the basis of admitted facts no specific relief could be granted to the petitioner and, therefore, the order passed by the respondent – Collector did not deserve interference. There is no dispute about the fact that the petitioner failed to submit caste validity certificate in terms of the requirements of law and even after application of subsequent amendments in the relevant provision as per the Ordinances issued. There is also no dispute about the fact that even as on today, the petitioner does not have any caste validity certificate in his favour, although the matter is now pending in the form

of Writ Petition before this Court.

6. In the facts and circumstances of the present case, this Court declines to invoke writ jurisdiction in the matter.

7. Accordingly, the writ petition is dismissed.

JUDGE

MP Deshpande