

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

WRIT PETITION NO. 225 OF 2020

(Lilabai d/o. Maroti Gaikwad @ Lilabai w/o. Sakharam Rane..vs..Vice-Chairman SC ST
Scrutiny Committee and ors)

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

Court's or Judge's orders.

Shri. S.J. Gadmade, Advocate for petitioner.
Smt. Barabde, AGP for respondent Nos. 1 to 3.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 21st JANUARY, 2020.

1. The petitioner is aggrieved by the order dated 22.11.2019 passed by the District Collector, Chandrapur by which, she has been disqualified for having failed in submitting her tribe validity certificate within the prescribed time, and therefore, she is held to have incurred disqualification under section 10(1)(A), of the Maharashtra Village Panchayats Act.

2. The learned Advocate for the petitioner has strenuously criticized the impugned order. Contention is that it is not in the hands of the petitioner to have the tribe claim validated. The competent Tribe Committee under the [(The Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000)], is responsible for the decision

making in such matters. The petitioner was elected on 8.4.2015, on a post reserved for the Scheduled Caste, with the Gram Panchayat Chak Jatepar. She received her tribe validity certificate on 27.12.2019. On account of the act of the tribe authority, she has suffered a legal injury.

3. The learned AGP appearing on behalf of the respondents submits that, an identical argument was advanced before the learned Full Bench of this Court in the matter of **Anant H. Ulhalkar Vs. Chief Election Commissioner, [2017(1) Mh.L.J.FB 431]**. It was concluded by the learned Full Bench that this argument is not sustainable. The mandate under section 9-A of the Municipalities and Nagar Panchayat Act, which is akin to section 10(1)(A) of the Maharashtra Village Panchayats Act, was upheld. Litigation based on the judgment of the learned Full Bench reached the Hon'ble Apex Court and by the judgment delivered in **Shankar s/o. Raghunath Devre (Patil) vs. State of Maharashtra and Ors, (2019)3 SCC 223**, the mandate was sustained. She submits that thereafter, the State of Maharashtra introduced the Maharashtra Ordinance No. XXI dated 11.10.2018 and extended the time by three months. Maharashtra Ordinance No. II, dated 14.2.2019, was then introduced extending the time to file the validity certificate upto 14.5.2019. Thereafter, there has been no extension of time and the petitioner is beyond the scope of the last ordinance.

4. I find that the submission of the learned AGP is sustainable in view of the last Ordinance introduced by the State of Maharashtra.

5. Considering the above, this petition being devoid of merits, is dismissed.

(Ravindra V. Ghuge, J.)