

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4573 OF 2021

Mr. Harish Gyanoba Chintalwad

...Petitioner

Versus

The State of Maharashtra and others

...Respondents

Ms Suchita A. Dhongade, Advocate for Petitioner
Mr A.S. Shinde, AGP for Respondent-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 15th MARCH, 2021

PER COURT :

1. Ms Dhongade, the learned counsel for the petitioner submits that the impugned orders are illegal. The petitioner is not at fault. The caste certificate of the petitioner is referred to the Scrutiny Committee for validation along with the nomination papers. It is fault of the Scrutiny Committee in not validating the caste certificate. Though the petitioner is not at fault, the impugned order is passed disqualifying the petitioner as Sarpanch. The tenure of the Sarpanch is five years. Only three and half years have lapsed.

2. Mr Shinde, the learned Assistant Government Pleader relies on the Judgment of this Court in case of **Anant Hanumant Ulhalkar and Anr. Vs. The State of Maharashtra reported in 2017 (1) ALL M.R. 1** and confirmed by the Apex Court.

3. In view of the judgment of the Full Bench of this Court in case of **Anant Ulhalkar** (*supra*), the case of the petitioner needs no consideration.
4. Section 10 (1A) of the Maharashtra Village Panchayat Act has been held to be mandatory by the Full Bench of this Court in the aforesaid judgment. Non-production of validity certificate within one year is fatal to the election of the petitioner as Sarpanch.
5. In light of that, no interference is called for.
6. The writ petition as such is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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