

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

939 WRIT PETITION NO. 3365 OF 2021

**MEERABAI SURESH CHOUDHARI AND OTHERS
VS
THE DISTRICT COLLECTOR JALGAON AND OTHERS**

Mr. Vinod Prakash Patil, Advocate for the petitioners
Mr. R. D. Sanap, AGP for the respondent/State

CORAM : N. J. JAMADAR, J.

DATE : 04-03-2021

P. C.

. The challenge in this petition is to an order dated 11-02-2020, whereby the District Collector, Jalgaon passed an order of disqualification of the petitioners to continue as Members of Village Panchayat, Tavase (Bk), Tq. Chopda, Dist. Jalgaon for default in producing the caste validity certificates within stipulated period under Section 10 (1-A) of the Maharashtra Village Panchayat Act, 1958, in Village Panchayat Application No. 49/2019.

2. The petitioners were elected as members of village panchayat from the reserved constituencies in elections held in the year 2017. The respondent No.3 filed an application for disqualification of the petitioners as the petitioners did not submit the caste validity certificates till 16-04-2019. The District Collector, Jalgaon after holding an enquiry found that the petitioners did not

submit the validity certificates within the time extended by the Maharashtra Ordinance No.II of 2019 whereby deemed disqualification under sub-section 1 of Section 10 of the Act was removed if a member has submitted the validity certificate after expiry of the stipulated period but before the promulgation of the said Ordinance of 2019 or if he submits such certificate within a period of three months from the date of publication of the said Ordinance.

3. Learned counsel for the petitioners fairly submitted that the petitioners could not submit the caste validity certificates within the extended period of three months from the publication of Ordinance i.e. 14-02-2019. The validity certificates were submitted on 14-08-2019.

4. Learned counsel for the petitioners, however, attempted to salvage the position by putting forth a submission that the petitioners had done all that they could do, and applied for certification of validity of their cast. They should not be penalized for failure on the part of the concerned scrutiny committee to expeditiously verify their claims and issue validity certificates.

5. I am afraid, the aforesaid submission though alluring at the first blush, does not merit acceptance. It would be suffice to make a useful reference to a full bench judgment of this court in the case of **Anant H. Ulahalkar and another Vs Chief Election**

Commission and others 2017(1) Mh.L.J. 431 wherein in the context of the provisions contained in Section 9-A of the Maharashtra Municipal Councils, Nagar Panchayat and Industrial Townships Act, 1965, which governs submissions of caste validity certificates by elected counsellors, answered the reference as under:-

“100. In the result, we hold that the time limit of six months prescribed in the two provisos to section 9-A of the said Act, within which an elected person is required to produce the Validity Certificate from the Scrutiny Committee is mandatory.

Further, in terms of second proviso to Section 9-A if a person fails to produce Validity Certificate within a period of six months from the date on which he is elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.

Such retrospective termination of his election and disqualification for being a Councillor would be automatic and validation of his caste claim after the stipulated period would not result in restoration of his election.

The questions raised, stand answered accordingly.”

6. The aforesaid pronouncement is a complete answer to

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the submission sought to be canvassed on behalf of the petitioners.

7. For the forgoing reasons, the petition does not deserve to be entertained. Hence, the petition stands dismissed.

[N. J. JAMADAR, J.]

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