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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 8377 OF 2021

Janardan C. Konde

**V/s.**

The District Collector and ors.

**...Petitioner.**

**...Respondents**

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Mr.Amjith M. Anandan a/w. Mr. Nikhil P. Mallelwar i/b Mr. Sachin Pawar for the Petitioner.

Mr. Sachin H. Kankal, AGP for the Respondent/ State.

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**CORAM : G. S. KULKARNI, J.**  
**DATE : DECEMBER 03, 2021.**

**PC :**

1] Heard Mr. Amjith M. Anandan, learned counsel for the petitioner and Mr. Sachin H. Kankal, learned AGP for the Respondent / State.

2] The petitioner contested elections of the Gram Panchayat Revanda, Tal. Alibag, which were held on 27.5.2018. He was declared elected. Such election was contested by the petitioner from a constituency, reserved for Scheduled Caste for which the petitioner submitted a caste certificate along with his nomination form which certified that he belonged to Mahadeo Koli – Scheduled Caste. He also furnished an undertaking that he would obtain validity of his caste certificate within 12 months as required under the provisions of Section 10-1A of the Maharashtra Village Panchayats Act, 1959 (for short “the Act”). It would be necessary to note the said provision which read as under :

**“10(1A). Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate. - Every person desirous of**

contesting election to a seat reserved for Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000: (Mah. Xxiii OF 2001).

“Provided that, for the General or by-elections for which the last date of filing of nomination fall on or before the 28<sup>th</sup> February 2021, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, along with the nomination papers,-

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee;

Provided further that, if such person fails to produce the Validity Certificate within a period of twelve months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member;”

Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2018 (Mah.LXVI of 2018), the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.

(emphasis supplied)

3] From a bare perusal of the first proviso, it is clear that the petitioner was exempted from submitting Caste Validity Certificate at the time of submission of his nomination form, provided that he had applied to the Scrutiny Committee for verification of his Caste Certificate, before the date of filing of the nomination papers, but had not received the validity certificate on the date of filing of the nomination papers and in such situation was required to file an undertaking that he shall submit within a period of 12 months from date on which he was declared elected a validity certificate issued by the Scrutiny Committee.

The second proviso is vital in the present case which provides that if such candidate fails to produce the Validity Certificate within a period of 12 months from the date on which he was declared elected his elections “*shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member*”.

4] The petitioner could not produce a caste validity certificate as per the requirements of proviso to section 10-1A as noted above. He gives a reason that his application was pending before the Scrutiny Committee and the Scrutiny Committee could not decide the application. In my opinion, such reason would not be relevant considering the clear language of proviso below Section 10-1A that by operation of law, the elected candidate would be “deemed” to have been terminated retrospectively and he shall be disqualified for being a member.

5] The petitioner, hence, would not be correct in contending that this Court possesses any power to protect him. Moreover, passing such order would be contrary to the clear language of the second proviso to section 10-1A which was already set into motion when the petitioner failed in his

undertaking to produce the Caste Validity Certificate within a period of 12 months.

6] The petition is hence without merit. It is, accordingly, dismissed. No costs.

**(G. S. KULKARNI, J.)**