

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

WRIT PETITION NO.7438 OF 2022

**SANGITA EKNATH INGALE ALIAS SANGITA PUNA SAWALE AND
OTHERS
VERSUS**

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Mr. S.S. Phatale, Advocate for the Petitioner

Mr. S.N. Morampalle, AGP for Respondent Nos. 1 to 3

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CORAM : MANGESH S. PATIL, J.

DATE : 18 JULY 2022

PER COURT:-

The petitioners have incurred disqualification since they fail to produce the caste validity certificate by the cut off date i.e. within 12 months from the elections under the Maharashtra Village Panchayat Act, 1959. They were elected on 09-12-2019. The Petitioner Nos. 1 to 3 produced their validity certificate on 03-03-2021 whereas the petitioner No.2 produced it on 02-03-2021.

3. Needless to state that it is imperative for the elected candidates to produce the caste validity certificate within 12 months from the elections in view of the provisions contained under Section 10-1A of the Maharashtra Village Panchayat Act,

1959. The consequence is imminent. Non production of the validity certificate by the cut off date automatically results in disqualification. No discretion vests in any authority to extend the period irrespective of the cause.

4. Assuming for the sake of arguments that the validity certificate was received during the advent of a pandemic, still it is required to be produced by a specific date.

5. In my considered view, this court cannot legislate and extend the statutory period.

6. The writ petition is dismissed.

[MANGESH S. PATIL]
JUDGE

S.P Rane