

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

WRIT PETITION NO.13005 OF 2021

GAJANAN PANDURANG WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. A. S. Sawant
AGP for Respondent Nos. 1 to 3: Mrs. Vaishali Patil Jadhav
Advocate for Respondent No.4 : Mr. P. P. Uttarwar

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**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.
DATED : 6 JULY 2022.**

P. C. :

By this petition, the petitioner is challenging the communication / order dated 14 June 2021 passed by respondent - Collector, thereby refusing to entertain an application filed by the petitioner seeking disqualification of respondent No.4.

2. The petitioner, who belongs to schedule caste category, got elected from Ward No.2A of Grampanchyat Kotgyal-Vasantnagar, Tahasil Mukhed, District Nanded. Respondent No.4 got elected as a member of the said Grampanchyat from Ward No.2B, which was reserved for scheduled caste (women) category. Subsequently, respondent No.4 has been elected as a Sarpanch of the Grampanchyat.

3. The petitioner approached the Collector, seeking disqualification of respondent No.4 under Section 14 of the Maharashtra Village Panchyat Act, 1959 on the ground that the caste certificate furnished by

respondent No.4, is forged and fabricated as the relevant entry of outward number is not found in the register where under the caste certificate is shown to be issued. The Collector by the impugned communication has refused to entertain the application on the ground that the Collector is not authorized to look into the dispute as to the false or fabricated caste certificate.

4. We have heard the learned counsel for the parties. A specific query was made to the learned counsel for the petitioner as to whether Section 14 of the Village Panchyat Act of 1959 prescribes the ground as raised as one of the grounds for disqualification. The learned counsel in all fairness did not dispute that this is not a ground.

5. The learned counsel for respondent No.4 has placed reliance on the decision of this court in *Shivling vs. The State of Maharashtra and others, 2008(1)ALL MR 538* holding that the Collector has no authority to look into validity of the caste certificate. In this case the caste certificate has been validated by the scrutiny committee. In absence of any provision brought to our notice seeking disqualification on any such ground of the challenge to the caste certificate / validity certificate under Section 14 of the said Act, we decline to entertain the petition. It is accordingly rejected. However, this will not come in the way of the petitioner in availing of other remedy, if available in law and if so advised.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.