

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

924 WRIT PETITION NO.11430 OF 2022

**KAPPUSING RAMDAS JAGARWAL
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr. Kiran D Jadhav & Mr. V. B. Kulkarni
AGP for Respondent – State : Mr. G.L. Deshpande

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CORAM : SANDEEP V. MARNE, J.

DATE : 18-11-2022

PER COURT :

. By the present petition, petitioner has challenged the order dated 07.09.2022 passed by the Additional Divisional Commissioner, Aurangabad refusing to grant stay to the order of the Collector, Jalna disqualifying petitioner. He has also challenged communication dated 10.11.2022 by which Tahsildar has appointed the Extension Officer as Returning Officer for conducting election of the post of Sarpanch.

2. By order dated 22.07.2022 petitioner has been disqualified with retrospective effect by Collector, Jalna on the ground that petitioner's caste certificate has been invalidated. Under Section 10 (4) of the Maharashtra Scheduled Castes, Scheduled

Tribes, Denotified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, there is automatic disqualification after invalidation of the caste certificate. Petitioner has apparently challenged the order of the Scrutiny Committee in the independent writ petition, which is pending. In these circumstances, no error is committed by the Additional Divisional Commissioner, Aurangabad in refusing to grant stay to the order of the Collector or Tahsildar in convening elections for filling up the post of Sarpanch. The writ petition being devoid of merits deserves to be dismissed and is accordingly dismissed without any orders as to costs.

(SANDEEP V. MARNE, J.)