

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 1668 OF 2022.

Sau. Asha Surendra Wakade. .... Petitioner.

VERSUS

The Collector and District Election  
Officer, Chandrapur and others. .... Respondents.

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Mr.P.P. Dhok, Advocate for the Petitioner.  
Mr.A.S. Fulzele, Addl.G.P. for Respondent Nos.1,2 5 & 6.  
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CORAM : NITIN JAMDAR AND  
ANIL L. PANSARE, JJ.

DATE : 25 MARCH 2022.

P.C.

The Petitioner has challenged notice issued by the Collector, Chandrapur dated 8 March 2022 as to why action under Section 10[1][a] of the Maharashtra Village Panchayat Act, 1958 be taken and the Petitioner be not disqualified.

2. The Petitioner contested the election of Gram Panchayat, Dadapur (Danoli), which took place on 15 January 2021 and results

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were declared on 18 January 2021. The Petitioner, under Section 10[1A] of the 1958 Act ought to have submitted both the caste certificate and validity certificate at the time of contesting the election through reserved category. However, Section 10[1A] of the 1958 Act has been amended to provide that a person can contest the election, after the last date of nomination falls on or before 31 December 2022 on the basis of which caste certificate, provided an undertaking is given that within twelve months from the date he is declared elected, the validity certificate would be obtained and if such person fails to submit the validity certificate within twelve months from the date he is elected, his election shall be deemed to have been terminated and he shall be disqualified.

3. The Petitioner is stated to have given an undertaking, yet took no steps and submitted proposal in respect of caste claim in October 2021. This Writ petition is moved after the period of 12 months is over. It is clear that the Petitioner has avoided to get the caste certificate validated and has occupied the post of Member of Gram Panchayat unauthorizedly. Therefore, the relief sought for in the petition is refused.

4. As regards the prayer for directions to the Respondent Scrutiny Committee to decide the caste claim within stipulated period is concerned, considering the apathy shown by the Petitioner in not approaching the Court earlier even while facing

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disqualification, we are not inclined to issue this direction to the Scrutiny Committee, as the Scrutiny Committee would be having many urgent cases of caste claims to be decided.

5. Writ Petition is rejected.

(ANIL L. PANSARE, J) (NITIN JAMDAR, J)

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