

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

56 WRIT PETITION NO.7190 OF 2023

SUMANBAI LAXMAN JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.V.V.Bhavthankar, Advocate for the Petitioner.
Mr.S.W.Munde, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JULY 3, 2023

PER COURT :

1. The Petitioner was elected as a Member of the Gram Panchayat, Daregaon, Tal.Aundha, Dist.Hingoli on 20.01.2021. Later on, she became Sarpanch on 12.02.2021. She had contested the elections from the Constituency reserved for the Banjara V.J.Category. The cut off date for tendering the validity certificate is 17.01.2023.

2. We have considered the strenuous submissions of the Learned Advocate for the Petitioner and the learned AGP. It is not disputed that the Law with regard to disqualification for non-furnishing

of the validity certificate within the stipulated time frame is settled by the judgment of the Hon'ble Supreme Court in **Shankar Raghunath Devre (Patil) Vs. State of Maharashtra and others** [SLP No.29967/2016 and other connected matters dated 23/08/2018] and by the Bombay High Court judgment (Full Bench) in **Anant H.Ulahalkar Vs. Chief Election Commissioner** [2017(1) Mh.L.J.FB 431]. The disqualification of the Petitioner is, therefore, axiomatic.

3. In view of the above, the learned Advocate for the Petitioner submits that at least the Committee may be directed to decide the claim of the Petitioner, as expeditiously as possible.

4. The learned AGP submits that the Committee normally gives precedence to the cases of students and those who are in employment and are likely to be terminated. The Petitioner's claim would be decided on or before 31.03.2024.

5. In view of the above statement, **this Petition is disposed off.**

(Y. G. KHOBRAGADE, J.) (RAVINDRA V. GHUGE, J.)