

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

63 WRIT PETITION NO.7200 OF 2023

LAXMIBAI BHUJANGA DHASADE ALIS LAXMIBAI HARI KAMBLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr.V.C.Patil h/f Mr.V.D.Patnurkar, 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 Laxmibai was elected as a Member of the Gram Panchayat Rahati (Kh.), Tq.Umari, Dist.Nanded on 21.01.2021. The cut off date for avoiding disqualification on the ground of non submission of the validity certificate, was 17.01.2023. The Petitioner received the validity certificate on 25.05.2023.

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 time frame, is settled in the

judgment of the Hon'ble Supreme Court in **Shankar Raghunath Devre (Patil) Vs. State of Maharashtra and others [SLP (C) No.29967/2016 and other connected matters dated 23/08/2018]** and 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 the students and those who are in employment and 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.)