

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

73 WRIT PETITION NO.7226 OF 2023

RADHABAI MADHAVRAO NIRDODE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECREARY AND
OTHERS

Mr.V.C.Patil h/f Mr.V.D.Patnurkar, Advocate for the Petitioner.
Mr.V.M.Kagne, AGP for the Respondent/State.

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

DATE : JULY 3, 2023

PER COURT :

1. The Petitioner Radhabai contested the elections for Gram Panchayat Bolsa (Kh.), Tq.Umari, Dist.Nanded and was elected as a Member in January 2023. She had contested on the claim that she belongs to the Kumbhar OBC category. Her caste claim is still pending adjudication. The cut off date for tendering a validity certificate to avoid disqualification 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 time frame as 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 in 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.)