

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7259 OF 2023

SHUBHANGI VITTHAL GHODKE ALIAS SHUBHANGI TATERAO
JAWALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. B. N. Patil, Advocate for Petitioner
Mr. S. W. Munde, AGP for Respondents - State

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

DATE : 04.07.2023

PER COURT :-

1. The Petitioner has put forth prayer clauses (C), (D), (E) and (F), as under:-

(C) By issue writ of mandamus, or any other appropriate writ, order or directions the respondent No.6 – Committee be directed to decide the caste certificate validity claim within the period of 6 months.

(D) By issue writ of mandamus, or any other appropriate writ, order or directions the respondent No.1 be directed to grant extension of 1 year to submit caste validity certificate to the petitioner.

(E) By issue writ of mandamus, or any other appropriate writ, order or directions the respondents No. 2 to 4 be directed not to remove the petitioner as Grampanchayat Member of Grampanchayat village Lamjana, Tq. Ausa, Dist. Latur for the period of 1 year.

(F) Pending the hearing and final disposal of this Writ Petition, the respondents No. 2 to 4 be restrained from removing the petitioner as Grampanchayat Member of Grampanchayat village Lamjana, Tq. Ausa, Dist. Latur.

2. We have considered the strenuous submissions of Shri Patil, the learned Advocate for the Petitioner and the learned AGP

3. The Petitioner was elected in January 2021 (Actual date of the election is not mentioned in the petition). She had contested the elections on the basis of her claim of belonging to the Dhangar N.T.(C). The cut off date for tendering a validity certificate was 17.01.2023.

4. The prayers of the petitioner set out in clauses (D), (E) and (F) cannot be considered in the light of the judgment delivered by the learned Full Bench of this Court in the matter of **Anant H. Ulhalkar and another Vs. Chief Election Commissioner and others - 2017(1) Mh.L.J. 431** and the judgment of the Hon'ble Supreme Court in the matter of **Shankar Raghunath Devre (Patil) Vs. State of**

Maharashtra (2019) 3 SCC 220, by which it is now crystallized that if a validity certificate is not produced prior to the cut off date, the elected representative incurs disqualification instantaneously.

5. The learned Advocate for the Petitioner submits, in the alternatively, that this Court may consider issuing a direction to the Committee to decide her pending claim.

6. The learned AGP submits that the Committee is presently dealing with time bound matters and cases of students which are very urgent. The claim of the Petitioner can be decided by 31.03.2024.

7. By recording the above statement, **this writ petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS