

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13634 OF 2023

Mrs. Geeta Nitin Pansare

.Petitioner

Vs.

The District Collector, Pune & ors.

.Respondents

Mr. Swaroop Karade a/w. Mr. Suraj Gurav i/b. Mr. Aditya D. Gurav, Advocate, for the Petitioner

Mr. P. G. Sawant, AGP, for Respondent Nos. 1 & 2 - State

Mr. Drupad S. Patil i/b. Mr. Ganesh Dumbre & Mr. Namitkumar S. Pansare, Advocate, for Respondent Nos. 4 to 19

CORAM : MADHAV J. JAMDAR, J.

DATE : 07.11.2023

P. C.

1. Heard Mr. Karade, learned counsel appearing for the Petitioner, Mr. Sawant, learned AGP appearing for Respondent Nos. 1 & 2 - State and Mr. Drupad Patil, learned counsel appearing for Respondent Nos. 4 to 19.

2. The challenge in this Writ Petition filed under Article 227 of the Constitution of India is to the legality and validity of the order dated 26.10.2023 passed by the Collector, Pune under Section 35(3-B) of the Maharashtra Village Panchayats Act, (Act No. III of 1959) ("**said Act**") in Grampanchayat Dispute Application No. SR/58/2023.

3. Learned counsel appearing for the Petitioner submitted that the Tahsildar while conducting meeting to consider "Motion of No Confidence" as per Section 35(3-B) of the said Act has not verified whether the members of the Grampanchayat have complied with Section 10-1A of the said Act. As per section 10-1A of the said Act, person contesting election for reserved seat is required to submit Caste Certificate and Validity Certificate within a period of 12 months from the date on which he is declared elected. He further submitted that about eight elected members of the said Grampanchayat have contested the election from the reserved seat and therefore, they were required to comply with the said mandatory requirements of Section 10-1A of the said Act. He more particularly relied on the case of member Sou. Shakuntala Babaji Dumbre and submitted that the Caste Validity Certificate, as required under Section 10-1A of the said Act has not been furnished by her within time limit and therefore, she is deemed to have been terminated retrospectively and was disqualified from membership.

4. Mr. Patil, learned counsel appearing for Respondent

Nos. 4 to 19 has tendered a chart. The said chart shows that except Sou. Shakuntala Babaji Dumbre, all the members have submitted their Caste Validity Certificates within a period of 12 months from the date of declaration of result i. e. 02.02.2021. Mr. Patil, learned counsel further submitted that by Ordinance dated 10.07.2023, the said period of 12 months has been extended to 12 months from the date of commencement of the said Ordinance for the elections which were held on or before 01.01.2021. Thus, it is clear that the said period of 12 months now has been extended up to 09.07.2024. Accordingly, case of said Sou. Shakuntala Babaji Dumbre is also covered in view of the said Ordinance.

5. The factual position on record shows that total members of the said Grampanchayat are 17 and 16 members have voted in favour of the "Motion of No Confidence".

6. Learned counsel appearing for the Petitioner also submitted that no opportunity was given to the Petitioner to express her views in the meeting. However, the Minutes of the Meeting held on 06.04.2023 clearly shows that the Petitioner as well as members have expressed their views and in fact, the

Petitioner has given answers to the points raised against her. Therefore, there is no substance in the said contention.

7. Thus, no interference under Article 227 of the Constitution of India is warranted. Accordingly, Writ Petition is dismissed, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)