



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 7666/2023

1. Vaishali Devidas Suratane, Aged about 23 years,
Occ. Household, R/o Wadali Satwai, Tq. Akot,
Dist. Akola.
2. Mohd. Firoz Sheikh Jamir, Aged about 50 years,
Occ: Private, R/o Wadali Satwai, Tq. Akot,
Dist. Akola.

PETITIONERS

.....VERSUS.....

1. The Collector, Akola, Tq. & Dist. Akola.
2. Scheduled Tribes Certificate Scrutiny Committee,
Amravati through its Chairman, Office at Opp.
State Information Commission, Sana Building,
Chaprashipura, Amravati.
3. Mamta W/o Ruprao Thakre @ Mamta Amol
Kohare, aged about Major, Occ: Housewife,
R/o Wadali Satwai, Tah. Akot, Dist. Akola.

RESPONDENTS

Shri S.D. Chopde, counsel for the petitioners.
Shri A.S. Fulzele, Additional Government Pleader for the respondent nos.1
and 2.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : NOVEMBER 09, 2023.

ORAL JUDGMENT : (PER : A.S. CHANDURKAR, J.)

Considering the nature of directions proposed to be issued,
service on the respondent no.3 is dispensed with. **RULE.** Rule made
returnable forthwith. Learned Additional Government Pleader waives
notice of hearing for the respondent nos.1 and 2.

2. In the elections for the post of Sarpanch that was reserved for the candidates from the Scheduled Tribes category, the petitioner no.1 and the respondent no.3 contested the said election. The respondent no.3 was declared elected. In terms of Section 10(1)(a) of Maharashtra Village Panchayats Act, 1959, the respondent no.3 was required to submit the validity certificate within a period of twelve months from the date of election. Since such validity certificate was not submitted by the respondent no.3 the petitioners have moved an application before the Collector seeking consequential steps to be taken against the respondent no.3. The said application is dated 12.09.2023 which is stated to be pending.

3. The writ petition is disposed of by directing the respondent no.1 to consider the petitioners' application dated 12.09.2023 in accordance with law and after giving an opportunity of hearing to the respondent no.3. The decision be taken within a period of four weeks of receiving the copy of this judgment.

4. Rule is disposed of in aforesaid terms. No costs.

(ABHAY J. MANTRI, J.)

(A.S. CHANDURKAR, J.)