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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 WRIT PETITION NO. 7197 OF 2024

GANESH MADHAV CHITTEBOINWAD

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr Avinash N. Suryawanshi, Advocate for Petitioner;

Mr R. K. Ingole, A.G.P. for Respondents/State

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 16th July, 2024

PER COURT:

1. The Petitioner has put forth prayer clauses (B) and (C), which read as under :-

“B) By issuing writ of mandamus or any other appropriate writ, order or direction, the respondent No. 2 Scrutiny Committee be directed to decide the Tribe Claim of petitioner as early as possible preferable within 15 days and for that purpose necessary directions be issued.

C) Pending hearing and final disposal of this writ petition, the respondent No. be directed not to take any adverse action against petitioner for non-submission on

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validity certificate and for that purpose necessary directions be issued.”

2. The Petitioner claims to be belonging to the ‘Koli Mahadev-29’ Scheduled Tribe category. He got elected on 18/01/2021, as a ‘Member’ of the Lyahari Grampanchayat, Taluka Hadgaon, Dist. Nanded on a Constituency for the Scheduled Tribe category. For the same reason, he got elected as the ‘Sarpanch’.

3. The law laid down by the Full Bench of this Court in **Anant H. Ulahalkar and Anr. Vs. Chief Election Commissioner and others, [2017 (1) Mh.L.J. (Full Bench) 431** and the judgment of the Hon’ble Supreme Court in **Shankar Raghunath Devre (Patil) Vs. State of Maharashtra and others, [(2019) 3 SCC 220]**, clearly indicates that the mandate of filing caste/tribe validity certificate within 6 months, cannot be ignored.

4. The learned Advocate for the Petitioner submits that the State Government has been issuing Ordinances after Ordinances, thereby extending protection to the Petitioner. However, he concedes that, today there is no protection. The

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learned A.G.P. submits that the last Ordinance issued by the State Government, granting protection to such candidates is only for the period of two years from the date of the election. As such, the Petitioner stands disqualified as a 'Sarpanch', as well as the 'Member', w.e.f. 18/01/2023.

5. The learned A.G.P. representing the Committee further submits that the claim of the Petitioner would be decided within nine months in the backdrop of, firstly, that there are several students' matters being dealt with even under the orders of the High Court, and secondly, the Petitioner has been unduly delaying the hearing of the proceeding.

6. In view of the above, **this Writ Petition is disposed off.** We expect the Committee to decide the validity claim of the Petitioner, on or before 31/03/2025. The Petitioner would render wholehearted cooperation and any attempt to delay the matter or seek adjournments on trivial grounds by the Petitioner, would justify the Committee to progress to the further stages in the proceeding. We make it clear that, we have not granted any

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protection to the Petitioner, who stands disqualified as a member, considering the two judgments referred to hereinabove.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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