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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 WRIT PETITION NO. 10995 OF 2024

SHAIKH ASHABI BASHIR

....Petitioner

VERSUS

STATE OF MAHARASHTRA THROUGH THE STATE OF RURAL
DEVELOPMENT MANTRALAYA AND OTHERS

.....Respondents

Mr. A. L. Kanade, Advocate for the petitioner
Mr. S. G. Kawade, Advocate for the respondent No.5
Mr. P. D. Patil, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 15th OCTOBER, 2024

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1. Heard the parties.

2. The petition is filed challenging the judgment and order passed by the learned Collector, Beed dated 10-09-2024 in election dispute no. 18/2024. The respondent No.5 had filed a dispute on the ground that the petitioner has failed to produce on record the caste validity certificate showing that she belongs

to Other Backward Classes (OBC). The learned Collector considered the said dispute and held that the petitioner failed to produce caste validity certificate within stipulated period. The petitioner did not even produce the certificate even in the extended period which was notified in the government gazette dated 10-07-2023 and declared the petitioner as disqualified.

3. The learned advocate for the petitioner submits that the learned Collector failed to provide an adequate opportunity of hearing to the petitioner. The petitioner has already applied for caste validity certificate. Because of the inaction on the part of the caste scrutiny committee the validity proceeding is not yet concluded. The petitioner is now facing the consequences because of inaction on the part of this committee, though there is no fault on the part of the petitioner. Considering all these he prays for quashing of the impugned judgment and order.

4. The learned advocate for the respondent vehemently opposed the petition. He relies on the judgment dated 23-08-

2024 reported in 2019 (3) SCC 220 in the case of Shankar Raghunath Deore (Patil) Vs State of Maharashtra and others.

Wherein the Hon'ble Apex Court has held that the provisions are required to be considered strictly. It is further held that intention of the legislation is clear to make the provisions of the statute mandatory irrespective of individual hardship. He, therefore, submits that once such member who is elected from the reserve category fails to submit caste validity certificate, he should be disqualified. The learned Collector has rightly passed the order. No interference is called for.

5. The learned AGP also supports the judgment of the Collector.

6. Considering the submission that admittedly the petitioner has not filed caste validity certificate within stipulated period, she has not filed certificate even in extended period i.e. till 09-07-2024. The petitioner's case i.e. validity proceeding is still pending before the Scrutiny Committee and till today no

validity certificate is granted in her favour.

7. Considering the above aspects this court does not find that the learned Collector has committed any illegality or has exceeded jurisdiction in passing the order or failed to exercise the jurisdiction. Thus, no case is made out calling for interference while exercising jurisdiction under Article 227 of the Constitution of India.

8. Thus, this court is not inclined to entertain the petition. Therefore, the petition stands dismissed. No order as to costs.

9. In view of dismissal of the writ petition, pending civil applications, if any stands disposed off.

[KISHORE C. SANT, J.]