



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

56 WRIT PETITION NO. 11651 OF 2024

BHARTI SANTOSH PAWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

Mr.V.B. Patil, Advocate for the petitioner.
Mr.P.D.Patil, AGP for the respondent-State.
Mr.S.S. Phatale, Advocate for respondent No.4.

CORAM : KISHORE C. SANT, J.
DATE : 17.12.2024

PC :-

01. Heard learned Advocates for the parties. This petition is filed by a Member of the Grampanchayat, who is declared disqualified under section 10-1-A of the Maharashtra Village Panchayats Act, as the petitioner failed to submit caste validity certificate in time i.e. before 10.07.2024.

02. Respondent No.4 has filed a dispute bearing No. 102 of 2024 before the learned Collector, Jalgaon. The learned Collector, Jalgaon issued notice directing the petitioner to remain present for hearing on 01.10.2024. On 01.10.2024 itself the learned Collector closed the dispute for order. By order dated 07.10.2024 the learned Collector held

the petitioner disqualified under section 10-1-A of the Act. The petitioner is, therefore, before this Court.

03. It is mainly argued that the petitioner had received caste validity certificate much prior to the last date of submission of certificate. She received certificate on 23.12.2021. She had in-fact submitted certificate in the office of Grampanchayat. There was no reason to withheld the certificate with her. The learned Collector, however, without giving sufficient opportunity, closed the dispute for order on the same date on which she had appeared through Advocate. The learned Collector did not grant any further sufficient opportunity to the petitioner to produce on record the relevant material. The learned Collector has only considered the report submitted by the Block Development Officer and has passed the judgment. He thus submits that the petition needs to be allowed by setting aside the impugned order. In the alternative he submits that the dispute be remanded back to the learned Collector for fresh decision. It is further submitted that the petitioner contested the election as Bharti Santosh Pawar and certificate is issued in her parental name before marriage as Patil Bharti Gokul. The learned Collector should have considered this aspect also.

04. The petition is vehemently opposed by the learned Advocate for respondent No.4 as well as learned AGP. They submit that when the certificate was with the petitioner, there was no reason for her to withhold the said certificate with her. There is nothing on record to show that before the learned Collector, the petitioner prayed for some time to produce on record any document or material. The learned Collector has taken decision relying on the report submitted by the Block Development Officer. So far as section 10-1-A is concerned, no any other factor is required to be considered except as to whether the caste validity certificate is submitted within time or not. The learned Collector has clearly held that no such certificate was filed within time. Thus, it is prayed for dismissal of the writ petition.

05. Considering the above, this Court finds that the learned Collector ought to have given sufficient opportunity to the petitioner. The learned Collector in this case on the date of first appearance itself closed the dispute for orders. Certainly case is made out to remand the matter back to the learned Collector for taking decision afresh. It is only to that extent the matter is remanded to the learned Collector. The learned Collector also to consider that the certificate is issued as per petitioner's name as it stood before her marriage. The learned Collector to decide

the dispute within one month from the date of appearance of the petitioner before him. The parties to appear before the learned Collector on 26.12.2024.

06. The writ petition is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]