



(1)

3 wp 5008.24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO. 5008 OF 2024

MADARBI JALALSAB SAYYAD
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

.....

Advocate for the Petitioner : Mr. Thorat Chandrakant R.

AGP for Respondents/State : Mr. S.K. Tambe

Advocate for R/4 : Mr. U.B. Bilolikar

.....

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.

DATE : 10th June, 2024

PC. :-

1. The Petitioner was a Sarpanch of village Pimpalgaon. Her claim of belonging to the Chhaparband Vimukta Jati-A, has been invalidated by the order dated 29.04.2024. The learned advocate points out an order dated 06.05.2024 passed by this Court, in similar circumstances, in Writ Petition No.4702/2024. The said order dated 06.05.2024, reads as under:

“1. The Petitioner was elected as the Member of the Gram Panchayat from the open category. However, on the basis of a claim of belonging to Rajgond Scheduled Tribe category, he was elected as the Sarpanch of Gram Panchayat Dindrud. Tq. Majalgaon since the post of Sarpanch was reserved for a Scheduled Tribe category. By the impugned judgment of the Committee dated 18.04.2024, his claim of belonging to the Rajgond Scheduled Tribe category has been

invalidated on the basis of conclusion of interpolation and manipulation in the records.

2. Issue notice to the Respondents, returnable 02.07.2024. The learned AGP waives service of notice on behalf of Respondents No. 1 to 5. Hamdast granted to serve Respondent No. 6 on request. on

3. Considering the law laid down in the case of Anant H. Ulahalkar and another vs. Chief Election Commissioner and others. 2017(1) Mh.L.J. 431 (full bench) and the order of this Court in the case of Rajkumar Motising Taur vs. The District Caste Certificate Scrutiny Committee and others, dated 06.07.2022. in Writ Petition No. 6748/2022, we are staying the proceedings under criminal law against the Petitioner. However, we record that the Petitioner would no longer function as the Sarpanch. The Upsarpanch shall officiate as the Sarpanch. Until further orders, the election to the post of Sarpanch would not be held without the leave of the Court.

4. All the office objections to be removed on or before 24.06.2024, failing which, the Petition shall stand dismissed without reference to the Court, on 25.06.2024.”

2. Issue notice to the Respondents, returnable on 15.07.2024. The learned AGP waives service of notice on behalf of Respondent Nos.2 and 3. The learned advocate Mr. Bilolikar waives service of notice on behalf of Respondent No.4.

3. Akin to the above re-produced order, more specifically contents of paragraph 3 as above, the Petitioner would not function as a Sarpanch. The

Upsarpanch shall officiate as the Sarpanch. Until further orders, the election to the post of Sarpanch would not be held without the leave of the Court.

4. All office objections to be removed on or before 01.07.2024, failing which, the Petition shall stand dismissed without reference to the Court, on 02.07.2024.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]