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

913 WRIT PETITION NO. 1127 OF 2025

BAPURAO HARIIBHAU MUKADE

....Petitioner

VERSUS

THE DISTRICT COLLECTOR, HINGOLI AND OTHERS

.....Respondents

Mr. A. S. Kulkarni, Advocate for the petitioner

Mr. K. B. Jadhavar, AGP for the respondents/State

Mr. S. B. Pulkundwar, Advocate for the respondent No.3

CORAM : KISHORE C. SANT, J.

DATE : 22nd JANUARY, 2025

P. C.

1. Heard the parties.

2. The petitioner has come before this court challenging the order of disqualification dated 31-12-2024 passed by the learned Collector. The petitioner came to be elected on 18-01-2021 to the post of Member on the post reserved for a person belonging to scheduled caste. On that day he was not possessing the caste validity certificate showing that

he belongs to scheduled caste. He immediately applied for caste certificate on 18-01-2021. He received validity certificate on 30-09-2024. The government by way of various orders has extended the time to furnish the caste validity certificate. However, since the petitioner could get the validity certificate only on 30-09-2024, he could submit the validity certificate only after 31-09-2024.

3. By way of impugned order dated 31-12-2024 declared the petitioner as disqualified under Section 10(1-a) of the Maharashtra Village Panchayat Act.

4. The learned advocate for the petitioner submits that the petitioner had submitted the proposal on 18-01-2021. Deciding the validity claim is not in the hands of the petitioner. Now the action is taken for the reasons beyond its control. He, thus, prays for quashing and setting aside the impugned order dated 31-12-2024 passed by the learned Collector.

5. The learned AGP vehemently opposed the writ petition. He submits that provision under Section 10(1-a) is mandatory, except the Government decision, no relaxation can be given and no time period can be extended to furnish caste validity certificate.

6. This court finds that when law mandates the person to furnish the caste validity certificate within a year from the date of election, it is necessary for a candidate to furnish the same within time except in the case where time is extended by the Government.

7. The Government has extended the time by issuing Government decision. However, last such extension expired on 09-07-2024. It is submitted that the petitioner could not furnish the caste validity certificate before the said date.

8. Considering the mandatory provisions, this court finds that there is no substance in the petition and the petition

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deserves to be dismissed.

9. The petition, therefore, stands disposed off.

[KISHORE C. SANT, J.]

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