



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

32 WRIT PETITION NO. 3464 OF 2025

LAXMIBAI RANOJI KUBADE

VERSUS

THE ELECTION COMMISSIONER STATE ELECTION COMMISSION AND
OTHERS

Mr.M.K. Jadhav, Advocate for the petitioner.

Mr.P.D. Patil, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 18.03.2025

PC :-

01. Heard learned Advocate for the petitioner. The challenge in this petition is to an order passed by the learned Collector, Hingoli dated 31.12.2024 holding the petitioner disqualified under section 10-1A of the Maharashtra Village Panchayats Act, 1959, being a member of Grampanhayat, Aral, Tal.Basmat, Dist. Hingoli.

02. The facts as stated by the petitioner and submitted by the learned Advocate for the petitioner are that the petitioner came to be elected as Member of the Grampanchayat in January, 2021, from a seat reserved for a person belonging to scheduled tribes category. On the date of filing of the nomination, the petitioner was not having Validity Certificate that she belongs to a Scheduled Tribe. Said certificate was received on 14.08.2024 and immediately she submitted the same on 01.10.2024 i.e. prior to passing of the order by the learned Collector. It is thus submitted that the petitioner is held to be person belonging to a

Nomadic Tribe i.e. Dhangar. Though she belongs to a Nomadic Tribe, she is held to be disqualified by the learned Collector. The order is passed without issuing notice to the petitioner. What is material is the tribe/caste of the petitioner, contesting the election. Since now validity is granted, the learned Collector ought to have held that the petitioner is validly elected person. The learned Advocate prays for quashing and setting aside the order passed by the learned Collector.

03. Learned AGP vehemently opposed the petition. He submits that section 10-1A of the Act requires the candidate to submit Validity Certificate at the time of filing of nomination form. In case same is not available and if application is already filed for validation, the candidate has to file an undertaking that he would file Validity Certificate within one year from the date of election. He thus submits that it was duty of the petitioner to submit Validity Certificate within one year or at least till 09.07.2024 i.e. the date extended by the State Government, by temporary Act of 2024. He thus submits that the petition deserves to be dismissed in limine.

04. This Court has already taken a view vide order dated 21.02.2025 in Writ Petition No. 1820 of 2025 with connected petitions based on the judgment of the Hon'ble Apex Court in the case of **Sudhir Vilas Kalel & Ors., Vs. Bapu Rajaram kalel & Ors., 2024 LiveLaw (SC) 99**. It is thus now settled law that the a person has to submit Validity Certificate within a stipulated period. The provision is mandatory and no relaxation can be granted.

05. Considering the above, this Court has no hesitation in dismissing the Writ Petition. The Writ Petition, therefore, stands dismissed with no order as to costs.

[KISHORE C. SANT, J.]