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

904 WRIT PETITION NO. 2480 OF 2025

SACHIN ASHOK SALAPPA AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

907 WRIT PETITION NO. 2486 OF 2025

CHANDRAKALA BABURAO GUNJALE ALIAS CHANDRAKALA SHIVAJI

KUSALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND ANOTHER

908 WRIT PETITION NO. 2487 OF 2025

SONALI TRIBANK HANUMANTE ALIAS SWATI SACHIN KASABE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

909 WRIT PETITION NO. 2488 OF 2025

SHUSHAMA RAMSING KABRE ALIAS SHUSHMA NITESH KOKANE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND ANOTHER

Mr.Sachin S. Deogude and Mr. Anil P. Piratwad, Advocates for the
petitioners in the respective petitions.

Mr.K.N. Lokhande, Mr.S.N. Kendre, Mr.K.S. Patil and Mr. K.B. Jadhavar,
AGPs for the respondent-State in the respective petitions.

CORAM : KISHORE C. SANT, J.

DATE : 21.02.2025

PC :-

01. The petitioners in these petitions are the persons who
contested elections to the post of the Member, Village Panchayat from
the seat reserved for the persons belonging to the respective reserved

category. However, they were not possessing a Caste Validity Certificate issued by the Competent Authority. The learned Collector by way of a general order dated 31.01.2025/20.01.2025 in respective petitions held the petitioners disqualified to hold the post of Member for non-submission of Caste Validity Certificate within a stipulated period. Said order was passed in view of section 10 (1A) of the Maharashtra Village Panchayats Act, which reads as under :-

"10-1A) Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.

Every person desirous of contesting election to a seat reserved for Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Virmukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 31st December 2022, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of twelve months from the date on which he is declared

elected, the Validity Certificate issued by the Scrutiny Committee :
Provided further that, if the person fails to produce the Validity Certificate within a period of twelve months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member.”

02. From reading of the section, it is clear that if a person fails to produce Caste Validity Certificate, within one year from the date of his nomination or election, he will be deemed to have incurred disqualification. The Government of Maharashtra by a Notification dated 10.07.2023 had extended said period by one year i.e. till 09.07.2024. In the present case it is seen that the proposals for Validity Certificates were sent/submitted after the said cut-off date. Learned Advocates for the petitioners vehemently argued that before passing the order, no notice was given by the Collector. There is violation of principle of natural justice. Getting Validity Certificate is not in the hands of the petitioners. What needs to be seen is as to whether the petitioners belong to particular reserved category. No such opportunity was given by the Authority. The orders are, therefore, challenged on this count.

03. Learned AGP vehemently opposes the petitions. He relies upon order passed by this Court in Writ Petition No. 1127 of 2025. In the said judgment this Court has held that provisions of section 10 (1A)

are mandatory and no relaxation can be given except by the Government. This Court finds that this judgment is clearly applicable to the present case. Learned AGP also relies on para Nos. 36, 37 and 39 of the judgment in the case of **Sudhir Vikas Kalel vs Bapu Rajaram Kalel 2024 LiveLaw SC 99**, which reads as under :-

"36. To answer this question, the object of Section 10A and 30-1A of the Panchayats Act along with Sections 3 and 4 of the Temporary Extension Act, 2023 ought to be borne in mind. As has been correctly held in Anant H. Ulahalkar (supra) while reiterating the holding in Sujit Vasant Patil (supra), ordinarily, the rule is for an aspiring candidate in an election to submit the Caste Certificate and the Validity Certificate along with the nomination. However, a window of twelve months was given for those who have not obtained the Validity Certificate to furnish the same and this was held to be a "risk" that the applicants were taking. Under the Caste Certificate Act, 2000, the certificate attains finality only if it is authenticated with a Validity Certificate. That statute and scheme have been discussed herein above. From those who aspire to contest for a reserved seat and who take a risk of applying for the validity certificate by filing an application before the date of nomination, it is prudent to expect that they will show utmost due diligence in the prosecution of their application. This would mean that they are expected to do all that is within their control to do and submit with the Scrutiny Committee a valid application for their consideration. In fact, it was on the basis that applicants aspiring to contest election who do not possess a Validity Certificate, were taking a risk, that the provisions were held to be mandatory. Further and independent of the above, Mandakini Kachru Kokane (supra) which came on 27.10.2020 well before the Appellant No.1 filed his nomination clearly mandated that there was an obligation on the applicants before the Scrutiny Committee to furnish the declaration of the results within two weeks of the declaration of the results for expeditious disposal. In this case, results were announced on 21.01.2021. Under the law, as it obtained in Maharashtra, as laid down in the statute and in the judgments of the Court, there was an obligation to furnish the validity certificate on or before 20.01.2022. The Appellant No. 1

admitted in the second application filed on 14.06.2023 that inspite of possessing the declaration of the result, for some reason, he could not file the same with the Scrutiny Committee. The consequence was that on 20.01.2022, the Appellant No.1 stood automatically disqualified as a Member with retrospective effect from the date of his election, under Section 10-1A of the Panchayats Act. On 01-03/4/2021, under Rule 17(2) and 17(3) of the Caste Certificate Rules, the applications were 'filed' for not submitting of the notification of his election. It is pertinent to note that the said order was never challenged by the Appellant No.1 and so it has attained finality.

37. To hold that – in spite of the Appellant No.1 not doing everything required to be done, and which were under his control to do – his application before the Caste Certificate Scrutiny Committee was still pending on 10.07.2023 for the purposes of Section 3 of the Temporary Extension Act, 2023, would be letting the Appellant No.1 take advantage of his own wrong. It will also go against the object and purpose of extending the time for production of the Validity Certificate by further period of twelve months from 10.07.2023.

39. The contention of learned counsel for the Appellant No.1 that there was no rejection and that it was only a "filing" or "lodgment" of the application on 01-03/04/2021 by the Scrutiny Committee, does not commend itself to us for acceptance. The rejection in Section 3(2)(b) will also include those cases where applications came to be rejected on account of defaults committed at the end of the applicants themselves. An applicant who has certain things under his control ought to have done everything that is under his control for the purpose of Section 3 of the Temporary Extension Act, 2023. This would also mean that Section 3(1) of the Temporary Extension Act, 2023 would not apply since there was no valid application filed before the nomination to the Scrutiny Committee and which was pending. That his application was not pending, was also the undertaking of the Appellant No.1, as explained hereinabove. Accepting the contention of the Appellant No.1 would also amount to putting a premium on the concession given to a party who was taking the 'risk' of contesting the election by not having a Validity Certificate on the date of the nomination."

04. In view of the above, this Court finds that no case is made out to call for interference in the impugned orders. The Writ Petitions stand dismissed with no order as to costs.

[KISHORE C. SANT, J.]