



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

WRIT PETITION NO. 2456 OF 2025

Taibai Eknath Pachmase
@ Taibai Maroti Vaidya

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Smt. Ashwini S. Deshmukh, Advocate for the Petitioner.
Mr. S. P. Joshi, AGP for Respondent Nos. 1 to 4.

CORAM : KISHORE C. SANT, J.

DATED : 24th FEBRUARY, 2025.

P C. :-

. This petition is by a member elected to the village panchayat on 15.01.2021 from the post reserved for a person belonging to Scheduled Tribe (Female). She is now declared disqualified by the learned Collector for non submission of caste validity certificate under Section 10-1A of the Maharashtra Village Panchayats Act (for short “the said Act”). The petitioner is thus before this Court challenging an order passed by the learned Collector dated 31.12.2024.

2. It is the case of the petitioner that, she had already filed a proposal for validation with the caste scrutiny committee on 26.12.2020. However, since her caste certificate was not from the

jurisdiction of the caste scrutiny committee, the said proposal was returned back by the committee at Hingoli. The petitioner, therefore, was required to lodge the claim before the committee at Yavatmal. Accordingly, it was lodged before the Yavatmal committee on 29.06.2023. Since the election was held in the year 2021 she was required to submit caste validity certificate within twelve (12) months from the date of election. The said date was subsequently extended by the Act of 2023. The time was extended till 09.07.2023, however, because of the difficulties stated above she could not submit the validity certificate before the cut off date and therefore impugned order is passed.

3. The learned advocate for the petitioner vehemently argued that, the petitioner had submitted caste validity proposal prior to filling up the nomination form for the election. The proposal was returned on the ground of jurisdiction. Thereafter, immediately she submitted the proposal in the office of scrutiny committee at Yavatmal. No fault can be found with the petitioner for non submission of the caste validity certificate within time. After lodging the proposal in the committee, the petitioner had no control over the proceedings. It is because the committee could not give the certificate within time, now the petitioner is declared as disqualified. No fault can be found with the petitioner

under such circumstances. She thus submits that the impugned order deserves to be quashed and set aside.

4. This Court has considered the arguments advanced by the learned advocate for the petitioner. For the purpose of deciding this petition it is necessary to see the provision of Section 10 (1A) of the said Act which reads as under :

“[10-1A. 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 2013, 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 six 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 six 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.]”

5. Looking to the provision it is clear that, if a person is desirous of contesting election from the post reserved for any category, then in that case he has to produce caste validity certificate along with the nomination form itself. In case, such certificate is not available, such candidate has to file an undertaking stating that the proposal is already pending and after getting the certificate it would be produced within twelve (12) months from the date of such election. By now, it is well settled that, this provision is mandatory. The Hon'ble Apex Court in the case of **Sudhir Vilas Kalel & Ors. Vs. Bapu Rajaram Kalel & Ors.**¹ held that the provision is mandatory. There is nothing on record to show that the petitioner has shown due diligence and has taken any effort to

¹ 2024 Live Law (SC) 99.

get the certificate from the committee within a period of twelve (12) months.

6. It is further argued that while passing the order the learned Collector has not given any opportunity of hearing to the petitioner. Considering the mandatory nature and considering the wording of the section it is clear that, the disqualification is attached retrospectively. No notice is required calling for hearing. It is the duty of the concerned person to submit the caste validity certificate.

7. Considering all above, this Court has no hesitation in holding that the petitioner has not made out a case calling for interference in the order passed by the learned Collector. Considering all above, this petition deserves to be dismissed and the same is hereby dismissed. No order as to costs.

(KISHORE C. SANT, J.)

PS.B.