



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

22 WRIT PETITION NO. 1820 OF 2025

BALASAHEB DHONDIRAM RASVE

VERSUS

THE COLLECTOR BEED AND OTHERS

12 WRIT PETITION NO. 1474 OF 2025

ASHWINI ROMADE RAMA ALIAS ASHWINI NAVNATH WAGH

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

13 WRIT PETITION NO. 1536 OF 2025

MANGLA DATTA KASBE

VERSUS

THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY AND
OTHERS

15 WRIT PETITION NO. 1547 OF 2025

JYOTI PRABHAKAR BAHADURE ALIAS JYOTI UTTAM KADAM

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

18 WRIT PETITION NO. 1781 OF 2025

KRANTI RAHUL THORAT

VERSUS

STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

19 WRIT PETITION NO. 1814 OF 2025

KAMALBAI UTTAM BHISE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS COLLECTOR AND OTHERS

20 WRIT PETITION NO. 1815 OF 2025

GANESH VASANTA WAKALE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR HINGOLI AND
ANOTHER

21 WRIT PETITION NO. 1819 OF 2025

SUDAM DEVRAO ALAT

VERSUS

THE COLLECTOR BEED AND OTHERS

31 WRIT PETITION NO. 1867 OF 2025

ARCHANA LAXMAN VHARKATE ALIAS ARCHANA UTTAMRAO BANGAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

33 WRIT PETITION NO. 1869 OF 2025

MAHADEV LAXMAN PANDIT

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

34 WRIT PETITION NO. 1878 OF 2025

TRIVENI GANGADHAR SHINGARE ALIAS TRIVENI SOPAN GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 1883 OF 2025

PANCHPHULA BHAGWAN RATHOD ALIAS PANCHPHULA MEGHA CHAVAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 1881 OF 2025

TRIGUNA SHRIRAM DHEMBARE ALIAS TRIGUNA BABURAO ABUJ

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 1889 OF 2025

MOHTABAI DHANSING RATHOD ALIAS MOHTABAI REVA PAWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 1888 OF 2025

AKASH PRALHAD MANE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH
WRIT PETITION NO. 1882 OF 2025
NARAYAN SONAJI PARDESHI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH
WRIT PETITION NO. 1884 OF 2025
RATNAMALA SHRIRAM CHAURE ALIAS RATNAMALA ANKUSH DHAITIDAK
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH
WRIT PETITION NO. 1886 OF 2025
SOJARBAI TUKARAM SASANE ALIAS SOJARBAI DAJIBA DAWARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH
WRIT PETITION NO. 1885 OF 2025
VIJAYMALA GANGARAM KALE ALIAS VIJAYMALA BABASAHEB MANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH
WRIT PETITION NO. 1879 OF 2025
ANNAPURNA GANGARAM VAJIR ALIAS ANNAPURNA PINJARAM PISALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH
WRIT PETITION NO. 1880 OF 2025
VIJAYA UDHAV JADHAVAR ALIAS VIJAY DNYANOBA MUNDHE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
WITH
WRIT PETITION NO. 1887 OF 2025
MANISHA SUDAM RASAVE ALIAS MANISHA HARIBHAU KATHULE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS
35 WRIT PETITION NO. 1890 OF 2025
SUNITA JALINDAR LANDGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY

AND OTHERS

36 WRIT PETITION NO. 1891 OF 2025

BABURAO KISHAN SHINDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

37 WRIT PETITION NO. 1892 OF 2025

SANGITABAI NAVNATH GADLE ALIAS SANGITA PANDURANG NAGARGOJE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

38 WRIT PETITION NO. 1893 OF 2025

BIJUBAI DNYANESHWAR KHANDEKAR DAUGHTER OF MAHADEV PAREKAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

40 WRIT PETITION NO. 1899 OF 2025

GANGABAI MAROTI BADE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

44 WRIT PETITION NO. 1940 OF 2025

MANDABAI UMAJI RATHOD ALIAS MANDABAI SAKHARAM MALI

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETORY AND OTHERS

45 WRIT PETITION NO. 1942 OF 2025

ARUNA BAPUSAHEB MAHARNOR ALIAS ARUNA BAPPASAHEB KALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

46 WRIT PETITION NO. 1943 OF 2025

SHESHEKALA PRAKASH WAGHMARE ALIAS SHESHEKALA BANSI JAWLE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY

AND OTHERS

47 WRIT PETITION NO. 1944 OF 2025

INDUBAI DATTATRAYA KARE ALIAS INDUBAI TRIMBAK SHINDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

48 WRIT PETITION NO. 1946 OF 2025

MIRABAI SADASHIV NEARKAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

53 WRIT PETITION NO. 2316 OF 2025

VILAS SUBRAO PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

54 WRIT PETITION NO. 2317 OF 2025

RAJENDRA BHANUDAS JOGDAND

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

55 WRIT PETITION NO. 2318 OF 2025

MAHENDRA NAVNATH BHALSHANAKR

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

57 WRIT PETITION NO. 2329 OF 2025

SUNITA SARJERAO KAMBALE ALIAS SUNITA KACHARU KHUDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY AND
OTHERS

58 WRIT PETITION NO. 2330 OF 2025

SATVASHILA MUKINDRAO MANE ALIAS SATVASHILA BHIMRAO MAGAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

WRIT PETITION NO. 2573 OF 2025
LAXMIBAI W/O. BHAGWAN THOKE AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

61 WRIT PETITION NO. 2346 OF 2025
SUMITRA GANPAT DHAPSE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

62 WRIT PETITION NO. 2347 OF 2025
SANDIP VINAYAK BANSODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

64 WRIT PETITION NO. 2377 OF 2025
SHASHIKALA BABASAHEB ROKADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

65 WRIT PETITION NO. 2379 OF 2025
DATTA MAHADEV NIRMAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

66 WRIT PETITION NO. 2380 OF 2025
PARVATI FAKIR PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

67 WRIT PETITION NO. 2382 OF 2025
LAXMIBAI LAXMAN VADMARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

68 WRIT PETITION NO. 2388 OF 2025
ANKUSH BABURAO KALE

VERSUS

THE DISTRICT COLLECTOR AND ANOTHER

912 WRIT PETITION NO. 2548 OF 2025MRS. VIJAYMALA W/O. SUGRIV CHOURE ALIAS VIJAYMALA ALIAS D/O.
ABASAHEB TIDKEVERSUS

THE STATE OF MAHARASHTRA AND OTHERS

913 WRIT PETITION NO. 2549 OF 2025

JYOTI RAVINDRA THOARAT ALIAS JYOTI POPAT SHELAR

VERSUS

THE DISTRICT COLLECTOR BEED AND OTHERS

914 WRIT PETITION NO. 2551 OF 2025

GODAVARI RAHUL KANDE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WRIT PETITION NO. 2597 OF 2025

SMT. BHAGYASHRI DILIP SURVASE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WRIT PETITION NO. 2598 OF 2025

SMT. PRATIKSHA GANESH BHANDARE

VERSUS

THE STATE OF MAHARASHTRA AND ORS.

Mr.S.J. Salunke, Mr. S.G. Kawade, Mr. Sayyed Tausif Yasin, Mr.R.W. Bagul, Mr.S.S. Londhe, Mr.P.S. Agarwal, Mr.R.B. Ade, Mr. Shrimant Mundhe, Mr.A.R. Tapse, Mr. A.L. Kanade, Mr. D.K. Rajput, Mr.P.K. Wagh, Mr. S.R. Andhale, Mr.M.P. Kale, Mr.S.S. Thombre, Mr. A.L. Kanade, Ms. S.P. Chate, Mr. C.D. Rajput, Mr. R.B. Dhakne, Mr. S.S. Gangakhedkar, Mr.M.P. Gandle, Mr.R.T. Deshmukh, Mr.U.M. Maske, Mr. C.A. Shingare, Mr. L.H. Kawale h/f. Mrs. Nikita Kirjawalkar, Mr. A.S.Deshpande, Advocates for the petitioners/applicant in the respective petitions.

Mr.K.S. Patil, Mr.P.P. Dawalkar, Mr.K.N. Lokhande, Mr.S.N. Kendre, Mr.K.B. Jadhavar, AGPs for the respondent/State in the respective petitions.

CORAM : KISHORE C. SANT, J.
DATE : 21.02.2025

PC :-

01. All these petitions are arising out of orders passed by the learned Collector of the respective districts declaring the petitioners as disqualified, under section 10-1A of the Maharashtra Village Panchayats Act (hereinafter referred to as "the Act"). The petitioners are the persons who have been elected as Member to the Grampanchayat from the seats reserved for the persons belonging to the reserved category and have failed to submit their Caste Validity Certificates duly issued by the Caste Scrutiny Committee within a stipulated period. Some of the petitioners have also become Sarpanch or Upsarpanch pursuant to becoming member.

02. The respondents are the State of Maharashtra, the Collector and the Grampanchayats.

03. For the discussion, facts from Writ Petition No. 1820 of 2025 are taken into consideration for the purpose of understanding. Mainly,

learned Advocate Mr. S.J. Salunke argued for the petitioners and learned AGP Mr. K.S. Patil argued for the respondent-State.

04. The petitioner contested election in 2022 to the post of Member, Grampanhayat, Longaon from the ward/seat reserved for a person belonging to Other Backward Class. The petitioner on the date of nomination was not possessing a Caste Validity Certificate issued by the Caste Scrutiny Committee. The petitioner, therefore, filed an undertaking that he would file such certificate within one year from the date of his election. However, no such certificate is produced within one year and even thereafter till 9th July, 2024. For some period, the State Government realizing that the Caste Scrutiny Committees are heavily burdened and are not in a position to issue a Caste Validity Certificate within a year, extended time to submit such certificates by passing temporary amendment Act. Last such extension was granted by an Act published in Gazette dated 10.07.2023, Maharashtra Act No. 35 of 2023 granting temporary extension of period of submitting Validity Certificate. Though the time was extended, still the petitioner could not furnish a validity certificate. Since the petitioner could not submit Caste Validity

Certificate, he came to be declared as disqualified by the learned Collector, Beed by order dated 20.01.2025.

05. Section 10- 1A of the Act 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."

06. From reading of the section, it is seen that a person is required to submit a Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee, along with nomination forms. Secondly, if the person does not have a Caste Validity Certificate on the date of nomination, but who has applied to the Scrutiny Committee for verification of his Caste Certificate, before the date of filing of the nomination papers, may submit with the nomination papers, one true copy of the application preferred by him to the Scrutiny Committee and also an undertaking that he shall submit the Validity Certificate issued by the Committee, within 12 months from the date of declaration of the result. The second proviso material for consideration is that if a person fails to produce Validity Certificate within a period of 12 months, from the date of which he is declared elected, his election shall be deemed to have been terminated retrospectively and such person becomes disqualified from being a Member.

07. It is thus seen that the Legislature is also aware of the fact that in a given case, a person who is desirous of contesting elections, though belongs to a reserved category, may not be possessing a Validity

Certificate issued by the Committee and therefore 12 months time is given to produce such Validity Certificate, provided he has already applied for such certificate prior to filing of the nomination paper. The petitions are therefore to be decided as per the above provisions.

08. In all these petitions, it is admitted position that no such Validity Certificate was produced within 12 months. These petitioners could not produce Validity Certificate even before 9th July, 2024. From the facts of this petition, it is seen that the application was made to the Scrutiny Committee on. The nomination was filed along with undertaking. However, no Validity Certificate could be produced within 12 months and also before 9th July, 2024.

09. Learned Advocates appearing for the petitioners vehemently argued the petitions. It is submitted that the learned Collector ought to have granted an opportunity of hearing before passing of the impugned order. The petitioners are duly elected persons belonging to a reserved category. What needs to be seen is that whether the person belongs to a particular category or not. Merely, non-submission of Caste Validity Certificate would not take away his social status. When the petitioner had

applied to the Caste Scrutiny Committee, it is for the Scrutiny Committee to scrutinize the proposal and to issue a certificate within 12 months. It is responsibility of the Caste Scrutiny Committee to act in time. For inaction on the part of the Caste Scrutiny Committee, the petitioners should not be made to suffer. The petitioners have taken best efforts to obtain the Certificate by filing proposal to the Scrutiny Committee, which is duly forwarded to the concerned authority.

10. During the course of arguments, the learned AGP pointed out that the disqualification is an automatic. To this submission, the learned Advocates for the petitioners submit that if the disqualification is automatic, then there is no question of passing any order by the learned Collector. However, when the learned Collector decides to proceed and pass an order of disqualification, then in that case, it is necessary to give a notice and to call for say of the petitioners.

11. Learned Advocates for the petitioners rely on the order passed by this Court in **Writ Petition No. 1260 of 2025 [Anusaya w/o. Madhukar Adhav Vs. The Collector, Beed & Anr.] dated 24.01.2025**. In that case the petitioner had submitted Caste Validity

Certificate in the office of the Tahsildar. The Tahsildar's office had given endorsement of receipt of Caste Validity Certificate on 04.07.2023. Still thereafter the learned Collector passed order dated 20.01.2025. It is in that view of the matter, this Court had issued notice and granted interim relief, staying operation and effect of disqualification.

. This Court finds that the facts of the above referred case are different and this order is interim order passed in facts of that particular petition. There this Court prima facie found that Validity Certificate was produced in time. However, it is the Tahsildar, who did not forward or intimate the learned Collector.

12. The learned Advocates for the petitioners thereafter relied upon judgment in the case of **Kalmati Ramkrupal Yadav Vs. Chandrapur City Municipal Corporation, 2021 (4) AIR Bom R 788**. In that case, this Court at Nagpur Bench considered section 5B of the Maharashtra Municipal Corporation Act. In the said case, though the petitioner was required to submit the Caste Validity Certificate, he could not submit the same. It was the case of the petitioner therein that because of Corona lock-down period, he could not approach the Scrutiny Committee, though his proposal was pending. Whenever he tried to visit

the office of the Scrutiny Committee, he was not allowed to enter the office. The Court observed that the maxim 'impotentia excusat legem' is intimately connected with another maxim of law 'lex non cogit ad impossibilia' i.e. the law does not demand the impossible. Thus, it is held that for some period even if a person tried to get a certificate, it was not possible for him to get the certificate. It was not possible even for the Scrutiny Committee to act on the proposals submitted to it, because of the lock-down and restrictions imposed by the Government.

13. Learned Advocates for the petitioners next relied upon judgment in the case of **Manohar s/o. Manikrao Anchule Vs. State of Maharashtra & Anr., (2012) 13 SCC 14**. In the said case, the Hon'ble Apex Court considered the Administrative Law and implied applicability of natural justice. It is held that even if no specific provision is there in the Act or in the procedure, if any action is likely to have civil consequences, an opportunity of hearing ought to be given to observe principles of natural justice. The Hon'ble Apex Court further considered that there is always right of hearing even if not provided under a specific statute.

14. The learned Advocates for the petitioners further relied upon judgment of this Court in the case of **Alka w/o. Rajkumar Kshirsagar Vs. Sow. Shalini w/o. Mahadeo Lokhande & Ors. [Writ Petition No. 3963 of 2013]**. In the said case, the learned Collector had passed order disqualifying the petitioner therein under section 10-1A of the Village Panchayats Act, for non-submission of the Validity Certificate within stipulated time. Reliance was placed on the judgment of Division Bench of this Court in the case of Dadasaheb Arjun Gulve Vs. The State of Maharashtra, 2008(2) Bom.C.R.712, wherein it was held that requirement of proviso to Section 10-1A is directory. In that case proposal for validity was pending decision. Therefore, the Court had set aside the order of disqualification. The direction was given to the Scrutiny Committee to decide the application within six months.

15. Learned AGPs strongly opposed the petitions. It is submitted that from the wording of section 10-1A, it is clear that the provision is mandatory. Disqualification is automatic. There is deeming provision making such person disqualified with prospective effect. In that view, no further specific procedure is required. It is further submitted that it is not pointed out by the petitioners that as to what prejudice is caused to

the petitioners. Even if opportunity is granted, it was necessary to show that it would have made any change in the decision or order passed by the learned Collector. All the petitioners accept that they could not produce validity certificate within stipulated period.

16. Learned AGP relies upon order passed by this Court in **Writ Petition No. 1127 of 2025 [Bapurao Haribhau Mukade Vs. The District Collector, Hingoli & ors.]**, wherein this Court dismissed the petition for non-submission of Caste Validity Certificate.

17. Learned AGP further relied upon judgment of the Hon'ble Apex Court in the case of **Sudhir Vilas Kalel & Ors. Vs. Bapu Rajaram Kalel & Ors., 2024 LiveLaw (SC) 99**. The Hon'ble Apex Court specifically considered provisions of Section 10-1A of the Maharashtra Village Panchayats Act.

18. Considering above submissions, this Court has to consider the effect of section 10 (1A) of the Act as to :-

(i) Whether the provisions are mandatory?

- (ii) Whether the learned Collector is required to give an opportunity of hearing to the petitioner for failing to submit Caste Validity Certificate within the stipulated period?
- (iii) Whether the order suffers from violation of principle of natural justice?

19. From the wording of Section 10 (1A) of the Act, it is clearly seen that the provisions are mandatory. The very fact that the legislature passed the Act of temporary extension, shows that provisions of section 10-1A are mandatory. Therefore, when extension was granted, it was required to be granted by passing an Act by the legislature. The petitioners relying on the order passed in **Anusaya w/o. Madhukar Adhav [supra]** is of no use. Firstly because it is only an interim order and secondly it was specifically shown to this Court that the endorsement shows that the Certificate was submitted within 12 months from the date of election and before expiry of extended period. After submission of Validity Certificate, nothing remained to be done by the petitioner therein and therefore this Court had granted interim relief.

20. So far as judgment in the case of **Kalmati Krupal Yadav (supra)** is concerned, it was in the facts of that case that this Court has

considered that for some period even Caste Scrutiny Committees were not in position to take decision on the proposals because of Covid pandemic. Though the petitioner was trying hard and trying to visit the office of the Scrutiny Committee, he was not even allowed to enter the office. Certainly this was beyond control of anyone and for that the petitioner could not submit Caste Validity Certificate. The Court had considered that the law would not expect a person to do an impossible act. This Court finds that said judgment, therefore, is not applicable to the present petitions.

21. So far as judgment in the case of **Manohar s/o. Manikrao Anchule (supra)** is concerned, the Hon'ble Apex Court considered the Administrative Law and the principle of natural justice. Paragraph Nos. 23, 24 and 25 of the said judgment reads as under :-

23. Thus, the principles of natural justice have to be read into the provisions of Section 20(2). It is a settled canon of civil jurisprudence including service jurisprudence that no person be condemned unheard. Directing disciplinary action is an order in the form of recommendation which has far reaching civil consequences. It will not be permissible to take the view that compliance with principles of natural justice is not a condition precedent to passing of a recommendation Under Section 20(2).

24. In the case of Udit Narain Singh Malpharia v. Additional Member, Board of Revenue, Bihar [AIR 1963 SC 786], the Court

stressed upon compliance with the principles of natural justice in judicial or quasi-judicial proceedings. Absence of such specific requirement would invalidate the order. The Court, reiterating the principles stated in the English Law in the case of *King v. Electricity Commissioner*, held as under:

"8. The following classic test laid down by Lord Justice Atkin, as he then was, in *King v. Electricity Commissioners* and followed by this Court in more than one decision clearly brings out the meaning of the concept of judicial act:

'Wherever anybody of persons having legal authority to determine questions affecting the rights of subjects, and having the duty to act judicially, act in excess of their legal authority they are subject to the controlling jurisdiction of the King's Bench Division exercised in these writs.'

Lord Justice Slesser in *King v. London County Council* dissected the concept of judicial act laid down by Atkin, L.J., into the following heads in his judgment:

"Wherever any body of persons (1) having legal authority (2) to determine questions affecting rights of subjects and (3) having the duty to act judicially (4) act in excess of their legal authority--a writ of certiorari may issue."

It will be seen from the ingredients of judicial act that there must be a duty to act judicially. A tribunal, therefore, exercising a judicial or quasi-judicial act cannot decide against the rights of a party without giving him a hearing or an opportunity to represent his case in the manner known to law. If the provisions of a particular statute or rules made thereunder do not provide for it, principles of natural justice demand it. Any such order made without hearing the affected parties would be void. As a writ of certiorari will be granted to remove the record of proceedings of an inferior tribunal or authority exercising judicial or quasi-judicial acts, ex hypothesis it follows that the High Court in exercising its jurisdiction shall also act judicially in disposing of the proceedings before it."

25. Thus, the principle is clear and settled that right of hearing, even if not provided under a specific statute, the principles of natural justice shall so demand, unless by specific law, it is

excluded. It is more so when exercise of authority is likely to vest the person with consequences of civil nature.

. There is absolutely no dispute about this proposition. The question is as to whether it is required to give opportunity of hearing in the present cases. Secondly, whether by giving an opportunity of hearing, whether there could have been any change in the decision making. As observed, the provision is mandatory and disqualification is with retrospective effect. Period of 12 months is specifically given to a person to make attempt to get the certificate. Therefore, in this view, the judgment in the case of **Manohar s/o. Manikrao Anchule (supra)** is not applicable.

22. So far as judgment in the case of **Alka w/o. Rajkaran Kshirsagar (supra)** is concerned, said judgment needs to be considered. However, judgment of the Hon'ble Apex Court in the case of **Sudhir Vilas Kalel (supra)** is latest judgment and in that view, this Court, with great respect, does not find that the judgment is applicable.

23. So far as judgment in the case of **Sudhir Vilas Kalel (supra)** is concerned, the Hon'ble Apex Court has clearly held that the

provisions of Section 10-1A of the Act are mandatory in nature. If a person fails to submit Validity Certificate he incurs disqualification with retrospective effect. Paragraph Nos. 36 to 40 of the said judgment read as under :-

"36. To answer this question, the object of Section 10-1A 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, Mandakani 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.

38. As is clear from Section 3(1), the further period of twelve months from 10.07.2023 was for those whose applications were validly filed and pending and where their applications have been submitted before the date of nomination. Sub-section (1)(b) of Section 3 of the Temporary Extension Act, 2023 only revives the membership of those, whose applications are pending by enacting a deeming provision, since they are now given a further period of twelve months from 10.07.2023 to furnish the Validity Certificate. Sub-section (2) (b) clearly states that Section 3(1) was not to apply to members whose applications for Validity Certificate has been rejected by the Scrutiny Committee.

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.

40. For the above reasons, we hold that the Appellant No. 1 stood automatically disqualified as a Member since he failed to produce the Validity Certificate within 12 months from the date of his election. The protective umbrella of Section 3 of the Temporary Extension Act, 2023 will not be available to Appellant No. 1 since he is hit by Section 3(2)(b), for the reason that there was no valid application pending on the date of the commencement of the said Act."

24. Thus, considering all the above, there is no manner of doubt that in the present petitions the petitioners have failed to make out any case calling for interference at the hands of this Court. This Court has no hesitation in holding that the petitions deserve to be dismissed and the same are hereby dismissed with no order as to costs.

25. In view of disposal of the writ petitions, civil applications, if any, pending also stand disposed off.

[KISHORE C. SANT, J.]