



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

WRIT PETITION NO. 2599 OF 2025

ANUSAYA DYANOBA KASBE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

902 WRIT PETITION NO. 2315 OF 2025

SONALI SAVTA RAUT

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

903 WRIT PETITION NO. 2479 OF 2025

DNYANESHWARI HANUMANTRAO PATKRAO ALIAS DNYANESHWARI
VISHNU KAMBLE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPLE SECRETARY
AND OTHERS

14 WRIT PETITION NO. 1546 OF 2025

SAHEBRAO SHIVRAM MAHORE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

24 WRIT PETITION NO. 1822 OF 2025

KASTURABAI SALA PAWAR AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

WITH

CIVIL APPLICATION NO. 1671 OF 2025

IN WP/1822/2025

26 WRIT PETITION NO. 1839 OF 2025

SHILPA SIDDHODHAN INGOLE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR HINGOLI AND
ANOTHER

29 WRIT PETITION NO. 1849 OF 2025

JYOTI BABAN SANGLE ALIAS JYOTI MHATARDEO DHAYTADAK

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

49 WRIT PETITION NO. 1950 OF 2025

MUJIB HABIB ATAR

VERSUS

THE DISTRICT COLLECTOR AND OTHERS

17 WRIT PETITION NO. 1773 OF 2025

JANARDHAN NAMDEVRAO THORAT

VERSUS

STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

42 WRIT PETITION NO. 1913 OF 2025

ASHOK NAVNATH MUNDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

43 WRIT PETITION NO. 1922 OF 2025

AYODHYA MAHENDRA CHATE DAUGHTER OF SADASHIVE MUNDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

Mr.S.P. Ade, Mr.S.T. Veer, Mr. L.H. Kawale, Mr. R.W. Bagul, Mr. Shrimant Mundhe, Mr.R.B. Ade, Mr.M.P. Gandle, Mr.P.S. Agarwal, Ms.S.P. Chate, Advocates for the petitioners in the respective petitions.

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

CORAM : KISHORE C. SANT, J.

DATE : 21.02.2025

PC :-

01. Writ Petition No. 2599 of 2025 is not on Board. Taken on Board.

02. The question falling for consideration in all these Writ Petitions is the same and therefore, are taken up together for final disposal by consent of the parties. No notice is required to the parties, who are not before this Court.

03. All these petitioners, who are Sarpanch/Dy.Sarpanch/Member of the Grampanchayats, have been elected from the ward/seat reserved for the persons belonging to any of the reserved categories. As per law, they require to submit Validity Certificate issued by the Caste Scrutiny Committee. Since the petitioners failed to submit the Validity Certificate, the learned Collector of the respective districts passed orders declaring the petitioners as disqualified under section 10-1A of the Maharashtra Village Panchayats Act [for short "the said Act"].

04. For the purpose of understanding, the facts from Writ Petition No. 2599 of 2025 are discussed. The petitioner in this case contested

election to the post of Member of Grampanchayat, village – Mirvat, Tal. Parali, in the year 2022. On 23.12.2022, the petitioner was declared elected as a Member belonging to a scheduled caste. The petitioner though, possesses Caste Certificate issued by the Sub-Divisional Officer, Parali Vaijnath dated 19.04.2017, no Validity Certificate is obtained. The petitioner was, therefore, required to give an undertaking as required under section 10-1A of the said Act that she would submit the Validity Certificate issued by the Caste Scrutiny Committee within twelve months from the date of her election. She had applied for verification of her caste claim to the Caste Scrutiny Committee on 29.11.2022, prior to filling up of her nomination form. However, she could not receive the Caste Validity Certificate from the Scrutiny Committee within time.

05. Some petitioners also come with a case that the petitioners received the Validity Certificate issued by the Scrutiny Committee. They submitted Validity Certificate with the Authority soon after they received the Caste Validity Certificate with the respondent-Tahsildar. A ground is also taken in the petitions to that effect.

06. The Government, considering the difficulties in obtaining the Caste Validity Certificate, extended time to submit Validity Certificate.

The last such extension was given by way of the Amendment Act of 2023. The time was extended till 09.07.2024. However, even till 09.07.2024, the petitioner could not get the Validity Certificate. It is, in this view, the learned Collector passed the orders declaring all such persons who could not produce Caste Validity Certificate, as disqualified from being Member to Grampanchayat and consequently as Sarpanch and Upsarpanch. The petitioners are, thus, before this Court.

07. Heard learned Advocates appearing for the respective petitioners and learned AGPs for the respondent-State.

08. It is argued by learned Advocates for the petitioners that before passing the orders, the learned Collector did not issue any notice to the petitioners affording opportunity of hearing. Once the proposal is submitted for Caste Validity Certificate, it is duty of the Scrutiny Committee to issue Validity Certificate after due verification. Failure on the part of the Scrutiny Committee may not be taken as failure on the part of the petitioners for taking drastic action of removal from the post of Member/Sarpanch/Up-Sarpanch of the village. What is material is the status of the person belonging to a particular caste. Mere non-production of Validity Certificate is not sufficient to hold that the

petitioners have lost social status as belonging to a particular caste or tribe. In the present case, the petitioners have applied prior to filling up nomination form. Thus, they could not be punished for further inaction on the part of the Scrutiny Committee.

09. The learned AGPs vehemently opposed the petitions. It is submitted that the provisions of section 10-1A of the said Act are mandatory. Looking to the fact that the Scrutiny Committee may take some time to issue Validity Certificate, the Legislature has purposefully given 12 months time to produce such Validity Certificate. The petitioners, when contested the elections, were aware of the fact that they require to submit the Validity Certificate issued by the Committee. Thus, it is a duty cast upon them to obtain the Validity Certificate. Learned AGP relied upon upon a judgment in the case of **Sudhir Vilas Kalel & Ors. Vs. Bapu Rajaram Kalel & Ors., 2024 LiveLaw (SC) 99**, wherein the Hon'ble Apex Court while dealing with the provisions of section 10-1A of the said Act has held that the provision is mandatory and there is no excuse. He further submits that the petitioners are elected representatives and they cannot give any excuse for non-production of the Validity Certificate. Learned AGP justifies the order passed by the learned Collector.

10. To counter the arguments of learned Advocates for the petitioners in respect of submission of Validity Certificate with the Authority, learned AGP submits that though there is averment that the Validity Certificate was submitted with the Tahsildar, however, no such proof is annexed with the petitions. Even the date of such submission is not mentioned in the petitions. It is necessary for the petitioners to make a specific averment along with tangible proof of submission of Validity Certificate. Learned AGPs further submit that the case of such petitioners cannot be considered. Mere averment would not be sufficient when the petitioners have not even come with the date of such submission, neither have produced acknowledgment of receipt of the Validity Certificate from the office of the Tahsildar. Therefore, it is difficult to accept the averment that such petitioners submitted Caste Validity Certificate with the Tahsildar.

11. Considering the above facts and submissions and specifically in view of the judgment in the case of **Sudhir Vilas Kalel (supra)**, this Court holds that no case is made out calling for interference in the the orders passed by the learned Collectors. The Writ Petitions, therefore, stand dismissed with no order as to costs.

12. Pending Civil Applications, if any, also stand disposed off.

[KISHORE C. SANT, J.]