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44-WP-3475-2025

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

44 WRIT PETITION NO. 3475 OF 2025

Kalubai Machindra Rathod

VERSUS

The State Of Maharashtra Through Its Secretary And Others

AND

49 WRIT PETITION NO. 3480 OF 2025

Anita Kamlakar Telang

VERSUS

The State Of Maharashtra Through Its Secretary And Others

AND

50 WRIT PETITION NO. 3493 OF 2025

Shyam Baburao Telang

VERSUS

The State Of Maharashtra Through Its Secretary And Others

AND

54 WRIT PETITION NO. 3500 OF 2025

Sangita Sandipan Salve

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Mr. M. P. Kale h/f Mr. Sharad S. Solanke, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondent-State in WP/3475/2025 and 3480/2025.

Mr. P. D. Patil, AGP for Respondent-State in WP/3493/2025.

Mr. K. S. Patil, AGP for Respondent-State in WP/3500/2025.

CORAM : KISHORE C. SANT, J.

DATE : 17th MARCH 2025

PC :-

1. Heard the learned Advocate for the parties.
2. Since all the petitions are in respect of an order dated 21st February 2025 passed by the learned Collector, Beed disqualifying the petitioners as a member of the gram panchayat and consequently their election as Sarpanch/Upa-sarpanch for none submitting the caste validity certificate issued by the competent authority within stipulated period, they are taken together.
3. The learned Advocate for the petitioner vehemently argued that the petitioners had received the caste validity certificate within one year from the date of their nomination/election to the post of member of village panchayat. However, due to inadvertence the same could not be submitted before the authority within stipulated period. The learned Collector has passed the order without verifying as to whether the petitioners possess the caste validity certificate. The order was passed without issuing notice. Had the notices been issued, the petitioner could

have shown their caste validity certificate. Since the notices were not issued, they are deprived of their valuable life to continue as a member to the gram panchayat.

4. It is further submitted that what is material is not whether the person possess the cast validity certificate but is as to whether the person belongs to reserve category. Taking hyper technical approach is not expected when the petitioners are elected representative of the gram panchayat. He, thus, submits that the order passed by the learned Collector are in violation of principle of nature justice and also otherwise illegal.

5. The learned AGP vehemently opposed the petitions. He submits that the learned Collector has rightly passed the order. Section 10-1A of the Maharashtra Village Panchayat Act, 1958 requires the concerned person to submit caste validity certificate on the date of filing of nomination form itself. It further provides that, in case, the application is made to the caste validity committee, in such cases one year time is granted to submit such certificate. The said period was extended upto

2024 till 09.07.2024. The petitioners have failed to submit their caste validity certificates even within extended period. It was the duty to the petitioners if they possess the certificate to produce the same before the authority.

6. The learned AGP also relied upon the judgment of the Hon'ble Apex Court in the case of *Sudhir Vilas Kalel and Ors. Vs. Bapu Rajaram Kalel and Ors.*¹ and the judgment passed by this Court in Writ Petition No.1820 of 2025 alongwith similar petitions.

7. This Court has considered the submission and in view of the judgment in the case of *Sudhiar Kalel* (supra), this court finds that what is material is to submit caste certificate with the authority. Merely possessing the certificate is not sufficient to continue to hold the post. It is the duty of the concerned person to submit the caste validity certificate before the authority. Petitioners having failed to do so, no perversity or illegality is found in the order passed by the learned Collector, Beed. There is no merits in the petition. Petition stands dismissed. No order as to costs.

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8. Needless to say that, if petitioners possess the necessary certificates, it is open for them to contest the election for the seat reserved for reserve category person in future.

[KISHORE C. SANT, J.]