



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

43 WRIT PETITION NO. 3363 OF 2025

SHESHERAO SHAMRAO KAMBLE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Mr.A.V. Indrale Patil h/f. Mr. A.N. Gaddime, Advocate for the petitioner.
Mr.K.N. Lokhande, AGP for the respondent-State.
Mr.M.N. Kalyane, Advocate for the respondent-Caveator.

CORAM : KISHORE C. SANT, J.

DATE : 10.03.2025

PC :-

01. Heard learned Advocate for the petitioner, learned AGP for respondent Nos.1 to 3 and learned Advocate for the caveator, though he is not added as a party.

02. This petition challenges an order passed by the learned Collector, Latur dated 24.02.2025, holding the petitioner disqualified under section 10-1A of the Maharashtra Village Panchayats Act. The petitioner though came to be elected as Sarpanch pursuant to the election of Member of Grampanchayat, Daithna, Tal. Shirur Anantpal, Dist. Latur, he could not produce Caste Validity Certificate. He had contested the election from the post reserved for person belonging to a reserved category i.e. scheduled caste. It is case of the petitioner that the

petitioner had submitted Caste Validity Certificate on 20.07.2023 itself. He was elected as a Member on 07.01.2023. The certificate was thus received in time. There was no notice issued by the learned Collector before passing the impugned order. Had notice been issued, the petitioner could have submitted the Caste Validity Certificate. The learned Advocate, therefore, submits that declaring the petitioner disqualified is without following principles of natural justice. The petitioner has no reason to deliberately withhold the caste validity certificate duly issued to him. It is only because of non-issuance of certificate by other Authority, this Certificate was not submitted. The intention of the legislature is to see that the persons belonging to Scheduled Castes, Scheduled Tribes, OBC get representation in the elected body. When this is the object, the petitioner should not be deprived of his post merely because he could not produce the certificate in time. Opportunity ought to have been given to the petitioner to submit the Caste Validity Certificate.

03. Learned AGP vehemently opposes the petition. He submits that looking to the wording of the Section, it is for the concerned person to submit Validity Certificate within time. In this case the petitioner was also required to furnish an undertaking that he would submit the Validity

Certificate within time. Thus, it is submitted that the petition deserves to be dismissed.

04. Learned Advocate for the caveator also opposes the petition.

05. This Court has already disposed off various such writ petitions by order dated 21.02.2025 in Writ Petition No. 1820 of 2025 along with other connected petitions, relying upon judgment in the case of **Sudhir Vilas Kalel & Ors. Vs. Bapu Rajaram Kalel & Ors., 2024 LiveLaw (SC) 99**. Considering the above facts, this Court has already taken a view that in view of section 10-1A of the Act, this Court is not inclined to interfere with the impugned order.

06. The Writ Petition, therefore, stands dismissed with no order as to costs.

[KISHORE C. SANT, J.]