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

44 WRIT PETITION NO. 3365 OF 2025

VIMALBAI DEVIDAS CHAUDHARI

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

Mr.Paresh B. Patil (Borse), Advocate for the petitioner.

Mr.P.D. Patil, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 10.03.2025

PC :-

01. This petition is filed by the petitioner challenging order dated 25.02.2025 passed by the respondent No.2 - the Collector, Jalgaon, thereby disqualifying the petitioner for the post of Sarpanch of village Sheri, Tal. Dharangaon, Dist. Jalgaon.

02. It is case of the petitioner that the learned Collector issued a notice on 22.01.2025, directing the petitioner to submit his claim on 28.01.2025. It is case of the petitioner that immediately on same day i.e. on 28.01.2025, the learned Collector closed the file for order. There is violation of the principles of natural justice. If opportunity had been given to the petitioner, she could have produced on record the Caste Validity Certificate issued to her.

03. 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 her. 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.

04. 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.

05. The petitioner though has submitted that the opportunity is

not given to her by the learned Collector, the fact remains that she could not produce the Validity Certificate within one year from the date of election. In view of the order dated 21.02.2025 passed by this Court in Writ Petition No. 1820 of 2025 with connected petitions, this Court finds that no case is made out calling for interference at the hands of this Court.

06. The Writ Petition is dismissed with no order as to costs.

[KISHORE C. SANT, J.]