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32wp3646.25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 WRIT PETITION NO. 3646 OF 2025
AND
36 WRIT PETITION NO. 3650 OF 2025
AND
37 WRIT PETITION NO. 3651 OF 2025
AND
41 WRIT PETITION NO. 3657 OF 2025

SUKUMAR BHIVAJI LOKARE AND ANOTHER
....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS
.....Respondent

Mr. Yogesh V. Jaybhaye, Advocate for the petitioner
Mr. K. B. Jadhavar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 19th MARCH, 2025

P. C.

1. Heard.

2. In all four petitions a common question involved about disqualification under Section 10 (1)(a) of the Maharashtra Village Panchayat Act.

3. The learned Collector has held these persons-petitioners disqualified since they have failed to submit their caste validity certificate within one year from the date of election to the post of Member/Sarpanch/Upsarpanch.

4. So far as petitioners in petition Nos. 3646/2025 and 3649/2025 are concerned though they obtained the validity certificate, however same could not be produced within time and produced after the cut of date. So far as the petitioners writ petition Nos. 3651/2025 & 3657/2025 is concerned, it is the case of the petitioners that they received the validity certificate prior to cut of date and they submitted with the authorities before the cut of date. However, they did not keep the record of submission of the caste validity certificates with the authorities.

5. The learned advocate for the petitioners thus strenuously argued that except in WP/3646/2025 other petitioners are proved belonging to the category from which

they contested the election. It was necessary that the learned Collector to consider this aspect. The learned Collector, however committed illegality by passing the order without giving any opportunity to the petitioners. The learned advocate submits that petitioners had filed the proposal which were pending before the Scrutiny Committee. The petitioners do not have any control over the committee. The petitioners should not be suffered when they are not at all default. He relies upon the judgment dated 11-01-2018 of the division Bench of this court in the case of Ku. Arechana Shalikram Choudhari Vs The Committee for Scrutiny and Verification of Tribe Claim, Gadchiroli and others in WP/5765/2017. He, thus, prays for quashing and setting aside the order passed by the learned Collector dated 24-02-2025.

6. The learned AGP vehemently opposed the petition. He submits that no case is made out even to issue notice to the respondents. He submits that though in WP3651/2025 & 3657/2025 it is averred that the caste validity certificate was

produced, there is no proof of the same. So far as WP/3646/2025 is concerned, said petition does not deserve any consideration as admittedly the petitioner is not possessing the caste validity certificate. So far as wp/3649/2025 is concerned he submits that this petition cannot be considered since admittedly the certificate was produced after the cut off date. He relies upon the judgment of Sudhir Vilas Kalel and others Vs Dapu Rajaram Kalel¹

7. After hearing the parties, this court finds that it was necessary for the petitioners to submit a caste validity certificate before one year and in any case before 09-07-2024 i.e. date extended by Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Ordinance, 2023 (Mah. Ord. VI of 2023). The petitioners in wp/3651/2025 & wp/3657/2025 have stated that they have submitted the caste validity certificate with the authorities well in time, however, there is no record produced to that effect. This court cannot go

¹ 2 (2024) 3 SCC 679

into that aspect. This court is unable to accept the ratio of the judgment to the present petitioners.

8. Considering all above, this court finds that petitioners have failed to make out the case even for issuance of notice. The petitions are therefore dismissed. No order as to costs.

[KISHORE C. SANT, J.]

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