



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

32 WRIT PETITION NO. 3978 OF 2025

BAYJABAI BARKU JADHAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

Mr.K.U. Choudhari, Advocate for the petitioner.

Mr.K.N. Lokhande, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 03.04.2025

PC :-

01. Heard learned Advocate for the petitioner and learned AGP for the respondent-State. The petitioner has challenged an order dated 11.02.2025 passed by the learned Collector, Chh. Sambhajinagar, holding the petitioner disqualified being a member of Grampanchayat, Wadi Sutanda, Tal. Soygaon, as she failed to submit caste validity certificate to show that she belongs to Scheduled Caste, as she contested the election from the seat reserved for persons belonging to the Scheduled Caste. It is case of the petitioner that though she came to be elected in the year 2022, her validity proposal was pending with the Scrutiny Committee. As a matter of fact, the validity certificate was issued on 15.06.2023. However, same was received by the petitioner only on 03.12.2024, from the Scrutiny Committee. For this reason, she could not produce the

same with the Authorities, within stipulated period. It is submitted that in-fact the petitioner was pursuing the committee by sending representations. Copies of such representations are annexed to the petition. One representation is dated 01.12.2022 and another is dated 04.09.2024. She has taken best possible efforts to procure the certificate. Not getting certificate in time is not in her control. It is, thus, argued that the petitioner should not be made responsible for no fault on her part. The learned Advocate, therefore, prays for allowing the petition by quashing and setting aside the order passed by learned Collector dated 11.02.2025.

02. Learned AGP vehemently opposes the petition. He submits that the requirement of Section 10-1A of the Maharashtra Village Panchayats Act is that the person should actually submit Caste Validity Certificate along with nomination papers and concerned person has applied prior to filing nomination form. The petitioner has filed an undertaking that such certificate will be produced within one year from the date of election. In the present case, though such affidavit was filed, the certificate is not produced within stipulated period. The Government had even extended time till 09.07.2024 and still the petitioner could not produce the validity certificate. He, thus, prays for rejection of the

petition.

03. Having heard the parties, this Court finds that no case is made out to allow the petition. This Court has already taken a view that it is necessary to submit validity certificate. The Hon'ble Apex Court in the case of **Sudhir Vilas Kalel & Ors. Vs. Bapu Rajaram Kalel & Ors., 2024 LiveLaw (SC) 99**, has clearly held that no relaxation can be given when the statute provides certain limitation in the Act.

04. Considering the above, this Court is not inclined to entertain this petition and the same deserves to be dismissed. Hence, this Writ Petition is dismissed with no order as to costs.

[KISHORE C. SANT, J.]