



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

34 WRIT PETITION NO. 4016 OF 2025

KUSHIVARTA GANA KOLE

VERSUS

THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR BEED
AND OTHERS

Mr.S.R. Kedar, 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. The petitioner is elected as a Member of the Grampanchayat, who contested election from the seat reserved for scheduled caste – female. The election took place in December, 2022. The petitioner could not furnish Caste Validity Certificate within time and therefore by way of the impugned order dated 31.01.2025, the learned Collector, Beed declared the petitioner as disqualified. It is case of the petitioner that the Validity Certificate was in-fact granted by the Committee on 05.12.2023 and sent to her through E-mail. However, the petitioner is an illiterate lady. She could not know that the E-mail is sent and therefore she could not take print out of the certificate. The Tahsildar, thereafter, issue notice on 20.01.2025, which was received by the petitioner on 26.01.2025. She immediately

thereafter on 27.01.2025 submitted validity certificate with the office of Tahsildar, Georai. It is, thus, submitted that the petitioner is not at fault. She was granted validity within one year from the date of election. The order of the learned Collector is illegal.

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.]