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36-WP-4604-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

36 WRIT PETITION NO. 4604 OF 2025

Bhima Rambhau More

VERSUS

The State Of Maharashtra Through The Secretary of election
Commission, Mumbai and Ors.

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Mr. P. S. Dikle, Advocate for the Petitioner.

Mr. P. D. Patil, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 8th APRIL 2025

PC :-

1. Heard the learned Advocate for the petitioner and the learned AGP for Respondent-State.
2. Petitioner challenges the order dated 3rd February 2025 passed by the learned District Collector, Aurangabad Dist. Aurangabad, holding the petitioner disqualified to hold the post of Sarpanch as she failed to submit Caste Validity Certificate within one year from the date of his election.
3. The petitioner came to be elected as un-opposed Sarpanch of

Grampanchayat Dhakephal, Taluka Paithan Dist. Aurangabad from the seat reserved for persons belonging to Scheduled Tribes Category. The petitioner was expected to submit a Caste Validity Certificate within one year in view of Section 10(1A) of the Maharashtra Village Panchayat Act, 1959 (for short “the said Act”). As he failed to furnish the said certificate, the learned District Collector, Aurangabad, declared the petitioner as disqualified.

4. The learned Advocate for the petitioner vehemently argued that the order passed is in violation of principles of natural justice. The learned District Collector has not issued notice before passing any order. It was necessary for the authority to verify whether the petitioner belongs to Scheduled Tribes category. The learned Collector, however, has not considered all these aspects and has adopted hyper technical approach. Learned Advocate, thus, prays for allowing the writ petition by quashing and set aside the impugned order.

5. Learned AGP vehemently opposed the petition. He submits that the provisions of Section 10(1A) of the said Act is mandatory in nature. No relaxation can be given under any count. He, thus, justifies the order.

He also relied upon the judgment passed by the Hon'ble Apex Court in the case of *Sudhir Vilas Kalel & Ors. Vs. Bapu Rajaram Kalel & Ors.*¹ The Hon'ble Apex Court specifically considered provisions of Section 10(1-A) of the Maharashtra Village Panchayats Act.

6. This Court finds that, the wording of Section 10(1-A) of the said Act clearly shows that it is mandatory for a person to furnish the validity certificate within time. No relaxation can be given in such matter.

7. Considering above, this Court is not inclined to issue even notice to the Respondent. Writ petition stands dismissed. No order as to costs.

8. In view of disposal of the writ petition, civil applications, if any, pending also stand disposed off.

[KISHORE C. SANT, J.]

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