



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

WRIT PETITION NO. 4723 OF 2025

Bandu Nana Pawar

.. Petitioner

Versus

The State Of Maharashtra
Through Its Secretary And Others

.. Respondents

Mr. Hanmant V. Patil, Advocate for the Petitioner.
Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 and 2.
Mr. Ravindra V. Gore, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATED : 07th APRIL, 2025.

P C. :-

. Heard learned advocates and learned A.G.P appearing for respective parties. Taken up for final disposal by consent of the parties.

2. The petitioner is directly elected as Sarpanch of Grampanchayat Jategaon, Taluka Georai, District Beed as belonging to OBC category. He is elected in general elections held in December 2022. In view of Section 10-1A of the Maharashtra Village Panchayats Act (for short “the said Act”) the petitioner was required to submit his caste validity certificate within one year from the date of his election. The petitioner, however, could not get the caste validity certificate and therefore, he is declared as disqualified by the learned Collector, Beed by order dated

12.03.2025. The petitioner is, therefore, before this Court.

3. The learned advocate for the petitioner vehemently argued that, notice was required to be given to the petitioner before passing order dated 12.03.2025. He submits that, the petitioner is directly elected Sarpanch and therefore, Section 30-1A of the said Act would be applicable. The action is taken without there being any fault on the part of the petitioner. The petitioner had already sent a proposal for getting validity certificate to the committee. Getting the validity certificate is not in his hands. He thus submits that, the impugned order deserves to be quashed and set aside. He relies upon the judgments in the cases of **Gangubai Laxman Bansode and others Vs. State of Maharashtra and others**¹ and **Mangilal Vs. State of M.P.**²

4. For considering the above, this Court has to consider Section 30-1A of the said Act which reads as under :

[30-1A. Every person desirous of contesting election to the office of the Sarpanch reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to submit alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category

1 2008 (1) Mh.L.J. 619

2 (2004) 2 SCC 447

(Regulation of Issuance and Verification of) Caste Certificate Act, 2000]:

²[Provided that, for the elections for the post of Sarpanch for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme declared, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Sarpanch.]

5. From the judgments relied upon by the petitioners, it is seen that, even if there is no provision or positive words making it mandatory to follow principles of natural justice or to issue notice, it shall be taken as mandatory. There cannot be two opinions on the same facts.

6. The learned A.G.P on the other hand submits that, Section 30-1A

of the said Act is a mandatory provision which requires a person to submit caste validity certificate within one year. The Government had even extended the time to furnish caste validity certificate till 09.07.2024. However, even within that period the petitioner failed to furnish the certificate. He submits that, this Court has already decided such matters by relying upon the judgment of the Hon'ble Apex Court in the case of Sudhir Vilas Kalel & Ors. Vs. Bapu Rajaram Kalel & Ors³. He thus prays for rejection of the petition.

7. In the case of Mangilal (supra), the Hon'ble Apex Court has observed in paragraph No. 10 as under :

“10. Even if a statute is silent and there are no positive words in the Act or Rules made thereunder, there could be nothing wrong in spelling out the need to hear the parties whose rights and interest are likely to be affected, by the orders that may be passed, and making it a requirement to follow a fair procedure before taking a decision, unless the statute provides otherwise. The principles of natural justice must be read into unoccupied interstices of the statute, unless there is clear mandate to the contrary. No form or procedure should ever be permitted to exclude the presentation of a litigant's defence or stand. Even in the absence of a provision in procedural laws, power inheres in every Tribunal/Court of a judicial or quasi-judicial character, to adopt modalities necessary to achieve requirements of natural justice and fair play to ensure better and proper discharge of their duties. Procedure is mainly grounded on principles of natural justice irrespective of the extent of its application by express provision in that regard in a given situation. It has always been a cherished principle. Where the statute is silent about the observance of the principles of

³ 2024 LiveLaw (SC) 99.

natural justice, such statutory silence is taken to imply compliance with the principles of natural justice where substantial rights of parties are considerably affected. The application of natural justice becomes presumptive, unless found excluded by express words of statute or necessary intendment. (*See Swadesi Cotton Mills etc. etc. v. Union of India, AIR 1981 SC 818*). Its aim is to secure justice or to prevent miscarriage of justice. Principles of natural justice do not supplant the law, but supplement it. These rules operate only in areas not covered by any law validly made. They are a means to an end and not an end in themselves. The principles of natural justice have many facets. Two of them are: notice of the case to be met, and opportunity to explain.”

8. So far as judgment in the case of **Gangubai Laxman Bansode** (supra) is concerned, this Court has held that, in proceeding under Sections 14 and 16, the learned Collector must hear the concerned member before passing the order where disqualification is under Section 14 of the said Act which requires the parties to prove their case based on a material. So far as disqualification on the ground of non submission of caste validity certificate is concerned, clauses (I) & (II) of the proviso are material where a person is required to submit validity certificate. At the time of filling the nomination form itself, if a person does not possess the validity certificate, he has to file an undertaking that, he shall submit such certificate within 12 months from the date on which he is declared elected. Thus, it is clear that the person already has a knowledge of the requirement of submitting caste validity certificate and he is also aware of the consequences of non submission

of the caste validity certificate. No doubt, the principles of natural justice are required to be followed. However, it would be only in such cases where a person is required to give notice of proposed action or the consequences. In the present case, disqualification is automatic. The only thing required to be seen is as to whether a person has submitted a caste validity certificate.

9. In the present case, this Court finds that, it can never be said a person is not aware of the action to be taken against him or that the consequences that would follow because of inaction on the part of such person. This Court, thus, is of the opinion that, no notice is required. Therefore, in the present case, this Court finds substance in the submissions of Mr. Gore that no notice is required to be given to the petitioner. This Court has already taken view in various judgments based on the judgment in the case of Sudhir Vilas Kalel & Ors. Vs. Bapu Rajaram Kalel & Ors. (*Supra*).

10. Considering the mandatory nature of Section 30-1A of the said Act this Court finds that, it was necessary for the petitioner to submit the caste validity certificate within time. The Hon'ble Apex Court in the case of Sudhir Vilas Kalel & Ors. (*supra*) has also held that, no relaxation can be given to any person in view of Section 10-1A of the said Act.

11. This Court, therefore, does not find any substance in the petition. The writ petition, therefore, stands dismissed. No order as to costs.

(KISHORE C. SANT, J.)

PS.B.