



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 WRIT PETITION NO. 5736 OF 2025

NANA MADHUKAR GATE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner :

Mr. M. K. Bhosale h/f. Mr. Ganesh Ramrao Jadhav

AGP for Respondent/State: Mr. S. G. Joshi

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 02.12.2025

PER COURT:

1. Heard.
2. Notice is issued to contesting respondent no.4. Thereafter, the notice of final disposal is also issued and it is served, however, none appears for contesting respondent no.4.
3. The limited issue before this court is that, an application filed by the petitioner under Section 16 of the Maharashtra Village Panchayats Act to disqualify respondent no.4 for not having submitted the caste validity certificate by respondent no.4 within stipulated time has been rejected by the Collector, as the parallel proceedings under Section 15 of the Act for corrupt practice was also filed by the petitioner.

4. The learned counsel for the petitioner submits that the Collector has jurisdiction to entertain the application for non-submission of caste validity certificate and the corrupt practice aspect are entirely different and it relates to Section 15 of the Act. He relies upon the Judgment of this court dealing with the same issue in the case of **Archana Ananda Shembalwad @ Archana Ramji Pillewad Vs. State of Maharashtra and others, 2023 (5) Mh.L.J. 525**, more particularly, paragraphs no.27, 28 and 29 and submits that the disqualification for non submission of the caste validity is exclusively within the jurisdiction of the Collector under Section 16 of the Act and not before the court deciding the election petition under Section 15 of the Act.

5. Having considered the above noted Judgment, this court has clearly observed that disqualification of membership is determined under Section 16 of the Act by the Collector and not under Section 15 and the Collector under Section 16 of the Act has exclusive jurisdiction to deal with issue of submission of false claim or a false caste certificate or non-filing of caste validity certificate within stipulated period under Section 10(1A) of the Act.

6. Considering the same, this court is of the view that the Collector has failed to exercise the jurisdiction to enter into the issue of non-submission of caste validity certificate.

7. In view of the above, the impugned order is quashed and set aside and the matter is remitted back to the Collector to adjudicate the same in accordance with law after giving notice to the respondents.

8. The Writ Petition stands accordingly disposed of.

[ARUN R. PEDNEKER, J.]

marathe