



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

WRIT PETITION NO. 8443 OF 2025

**CHAYA SOMINATH NIKALJE
VERSUS
THE COLLECTOR BEED AND ANOTHER**

...
Mr. Amarsinha Shankar Kakade, Advocate for the Petitioner.
Mr. K. S. Patil, AGP for Respondents-State.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 17th JULY, 2025.**

P.C.:-

1. Heard learned Advocate appearing for petitioner and learned AGP appearing for respondents-State.
2. The learned Advocate appearing for petitioner submits that petitioner has been elected as Member of Village Panchayat in election held in December 2022 on the post reserved for Scheduled Caste (Women) Category.
3. At the time of submissions of nomination form, she had submitted caste certificate dated 26.12.2017. Her claim was pending for caste validity with District Caste Scrutiny Committee since 21.11.2022. The certificate to that effect was also filed alongwith nomination form. The petitioner's claim has been validated and certificate of validity is issued to her on 11.04.2023. The petitioner submitted the same with respondents alongwith her

application dated 29.01.2025. However, learned Collector declared her disqualified vide impugned order dated 21.01.2025.

4. The learned Advocate appearing for petitioner relying upon Maharashtra Ordinance No.III of 2025 dated 30.04.2025 submits that petitioner is entitled for benefit of aforesaid Ordinance, particularly Clause No.3(1)(अ), which continues membership or election of person on the post of Sarpanch or Member of Local Authority.

5. Considering submissions advanced, Writ Petition deserves to be partly allowed. Hence, following order is passed:

ORDER

- a. Writ Petition is partly allowed.
- b. The learned Collector is directed to reconsider claim of petitioner for continuation of membership of Village Panchayat on the basis of Maharashtra Ordinance No.III of 2025 dated 30.04.2025, particularly provisions contained in Clause No.3(1)(अ). The learned Collector shall take his fresh decision and communicate the same to petitioner within period of four weeks from today.

(S. G. CHAPALGAONKAR)
JUDGE