



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7909 OF 2025

Vilas Subrao Pawar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Mahesh K. Bhosale, for Petitioner.
- Mr. S. V. Hange, AGP for Respondent Nos.1 to 3.

CORAM : MANISH PITALE AND
Y. G. KHOBRADE, JJ.

DATE : 03rd JULY 2025.

P. C. :

1. Heard learned counsel for the petitioner and the learned AGP for respondent Nos.1 and 3.

2. Issuance of notice to other respondents is dispensed with, for the reason that the present petition challenges order dated 20th January 2025, passed by respondent No.3 – Collector, District Beed. By the said order, the respondent No.3 has held 63 members of the Gram Panchayats as disqualified on account of their failure to produce caste/tribe validity certificates within one year of having been elected.

3. The learned counsel for the petitioner relies upon Maharashtra Ordinance No.III of 2025 dated 30th April 2025, to submit that the petitioner has time till 30th April 2026, to produce such

validity certificate and that therefore, he ought to be treated as elected member of Gram Panchayat and also the Up Sarpanch.

4. The learned AGP could not dispute the issuance of the aforesaid ordinance. We have seen the contents thereof, which specifies that even if an elected member has been held to be disqualified on account of failure to produce caste/tribe certificate within the stipulated period of time, such a person shall be treated as continuing on the elected position, subject to producing caste/tribe validity certificate within a period of 12 months from the issuance of the ordinance. It is undisputed that the petitioner was elected after 01st August 2022, and therefore, his case is completely covered by the said ordinance.

5. We are of the opinion that on its own merits, the impugned order dated 20th January 2025, issued by respondent No.3 – Collector cannot be found fault with, because it was based on a factual scenario as on the said date. But, the effect of the ordinance dated 30th April 2025, is that it eclipses the situation that led to the impugned order being passed by respondent No.3 – Collector.

6. Since we are of the opinion that the petitioner is entitled to

benefit of the aforesaid ordinance, the impugned order will have to be set aside.

7. Accordingly, the writ petition is allowed. The impugned order is quashed and set aside, subject to the petitioner producing caste/tribe validity certificate on or before 30th April 2026.

8. In the interest of justice, respondent No. 6 – Scrutiny Committee is also directed to decide the caste/tribe claim of the petitioner as expeditiously as possible.

9. The writ petition is disposed of. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)