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905-CA-7773-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO. 7773 OF 2025
IN RAST/21395/2025

Dhurpata Nivruti Ingale

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

...

Mr. Shivprasad G. Jadhavar, Advocate for Applicant.

Smt. M. N. Ghanekar, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 29th JULY 2025.

PC :-

1. Heard Mr. Jadhavar, the learned Advocate for the applicant and Smt. Ghanekar, learned AGP for Respondent-State.
2. This Civil Application is filed for condonation of delay of 71 days caused in filing application seeking review of the judgment and order dated 7th April 2025 passed by this Court in Writ Petition No. 4492 of 2025. This Court finds that the review is filed by a person who was held to be disqualified by the learned Collector for non-producing the caste

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validity certificate within stipulated period, when the petitioner was elected as Sarpanch to Village Panchayat under Section 10-1A of the Bombay Village Panchayats Act, 1959.

3. In view of the same, this Court finds that Respondent No.1-Returning Officer and Respondent No.4-Gram Sevak, are not necessary parties. No notice is required to them.

4. For the reasons stated in the application, delay stands condoned. Application is allowed and stands disposed off.

5. Office to register Review Application.

REVIEW APPLICATION

6. Heard the learned Advocate for the applicant.

7. The review arises out of the judgment and order dated 7th April 2025 passed by this Court in Writ Petition No.4492 of 2025 which is sought to be reviewed. This Court, by the said judgment and order, had dismissed the writ petition. In the writ petition, a challenge was to an

order passed by the learned Collector holding the applicant disqualified to hold the post of Member and Sarpanch of Village Panchayat, Andharwadi, for non-submission of caste validity certificate within stipulated period, as required under Section 10-1A of the Maharashtra Village Panchayats Act. This Court held that there is no illegality in the order passed by the learned Collector. Section 10-1A of the Village Panchayats Act requires a person contesting an election from any of the reserved post to submit a caste validity certificate within one year. It was the case that the said time was extended. In the present case, however the caste validity certificate was not submitted even within the extended period. This Court thus dismissed the writ petition.

8. The learned Advocate for the applicant submits that after the judgment came to be passed on 7th April 2025, the Government issued a notification on 30th April 2025, thereby extending the prescribed period for submitting caste validity certificate by twelve (12) months from the date of such Ordinance. Now, the period is extended for twelve (12) from the date of Ordinance. He thus submits that if the judgment is

recalled and this Ordinance is considered, the petitioner has a good case and the petition can be allowed.

9. The learned AGP submits that an order dated 7th April 2025 had already come into effect by the time the Ordinance was published. The Ordinance states that wherever the post is declared as vacant and new elections have been held to fill up the post, in such cases, the Ordinance shall not be applicable. She thus submits that there is no substance in the present application. There is no error apparent on the face of record shown by the applicant. She thus prays for rejection of the application.

10. In the present case, it is the case of the applicant that if the order is recalled and writ petition is heard afresh, this Ordinance can be considered. The Ordinance came to be published on 30th April 2025. The judgment is passed prior to that date. Thus, there was no question of considering the said Ordinance. The Ordinance also does not have any retrospective effect. It further provides that where elections have already been held on the vacant seats, then the Ordinance shall not have any

application.

11. Considering all above and mainly that there is no error apparent on the face of record being pointed out by the applicant, this Court does not find any merit in the application. The application, therefore, stands dismissed, with no order as to costs.

[KISHORE C. SANT, J.]