



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11768 OF 2024

Shaikh Mohd. Isak Mohd. Gajani
& another

.. Petitioners

versus

The State of Maharashtra & others

.. Respondents

Mr. V. A. Bagal, Advocate for the Petitioners.

Mr. D. B. Bhange, AGP for the State.

Mr. S. J. Salunke, Advocate for Respondent No. 4.

CORAM : R. M. JOSHI, J.

DATE : 13th MARCH, 2025.

PER COURT :

1. This petition takes exception to the order dated 14.10.2024 passed by the District Collector, Parbhani dismissing the complaint dated 12.07.2024 filed by the Petitioners against Respondent No. 4 for disqualifying him from the post of Sarpanch for non-submission of caste validity certificate.

2. Learned counsel for both sides are heard at length.

3. It was argued on behalf of the Petitioners that admittedly, till date, Respondent No. 4 has not submitted caste validity certificate

and the time extended by the State Government for submission thereof has expired long back. It is his submission that inspite of the said fact, the Collector has dismissed the complaint on the ground that the relatives of Respondent No. 4 are having caste validity certificates. In this regard, attention is drawn to directives issued by Government dated 04.08.2016 whereby all Collectors in State are directed to issue formal declaration of disqualification, for non providing of the caste certificate in time. He pointed out that inspite of such clear directives, Collector has not given declaration for reasons best known.

4. The law on the point of submission of caste validity certificate is fairly settled to say that the caste validity certificate must be submitted within stipulated period. Admittedly, the stipulated period is over long back. In spite of noticing this fact, the Collector has proceeded to reject the complaint by recording reasons that the relatives of Respondent No. 4 are having caste validity certificate. Such finding is not sustainable in law. It is for Respondent No. 4 to furnish his caste validity certificate within stipulated period. The order impugned, therefore cannot sustain.

5. Learned AGP, however, during the course of hearing has drawn attention of the Court to the order dated 14.01.2024 passed by the Collector, Parbhani of disqualifying Respondent No. 4 for non-furnishing caste validity certificate. Hence, nothing survives in the petition now. However, order impugned stands set aside. Petition is disposed of in above terms.

(R. M. JOSHI)
Judge

dyb