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907wp800.25

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

907 WRIT PETITION NO. 800 OF 2025

**KUSUM DATTA MURKHE ALIAS KUSUM VITHOBA DHUDKAR
AND ANOTHER**

....Petitioners

VERSUS

**THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
ANOTHER**

.....Respondents

Mr. A. A. Mukhedkar, Advocate for the petitioners
Mr. P. D. Patil, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 22nd JANUARY, 2025

P. C.

1. Heard the parties.

2. It is the case of the petitioners that she came to be elected as a member of the Grampanchayat from the seat reserved for Scheduled Tribe (ST). They had already applied for getting the tribe validity certificate. However, same came to be rejected and presently petition is pending. In the meantime, dispute was filed for declaring them that they have incurred

disqualification for not submitting the tribe validity certificate within time. The learned Collector issued the notice to the present petitioners and others. The learned Collector recorded that no tribe validity certificate is produced in time and allowed the disqualification proceeding.

3. The learned advocate for the petitioners vehemently argued that after rejection of the tribe validity certificate, the petition is pending before this court. When the proceeding was filed, it is not in the hands of the petitioners to get it decided within stipulated period. Thus, submitting the validity certificate was beyond their control and capacity. They should not be punished for the same.

4. The learned AGP however submits that as the legal position stands, it is mandatory in view of section 10(1-A) of the Maharashtra Village Panchayat Act for the candidate against reserved seat to submit caste validity within one year. The petitioners have failed to submit such caste validity certificates

and the learned Collector has rightly passed the order. He relies upon the judgment reported in 2019 (1) AIR Bom R 763 in the case of Satish Babruvan Dede and others Vs State of Maharashtra and others.

5. Considering the submissions and the judgment cited by the learned AGP, this court finds that there is no merit in the petition. Therefore, the writ petition stands disposed off as dismissed.

[KISHORE C. SANT, J.]