

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12341 OF 2025

Lakshmi Rajendra Karhadkar] **Petitioner**

versus

Election Officer (Returning Officer)]
and others] **Respondents**

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Ms. Kalyani Tulankar (through V.C.) a/w Mr. Tanaji Mhatugade a/w
Mr. Vinod Shejwal, for Petitioner.

Ms. Neha Bhide, G.P, for Respondent – State.

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**CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ.**

DATE : 18th NOVEMBER, 2025.

ORAL ORDER: [PER AJIT B. KADETHANKAR, J.]:

1. The petitioner belongs to Muslim Bagwan Community which is identified as Other Backward Classes (hereinafter referred to as "OBC" for the sake of convenience"). Ms. Tulankar, learned Counsel would submit that the petitioner is an aspiring candidate for contesting the ensuing General Election for Panchgani Giristthan Municipal Council on a seat reserved for OBC. It is further submitted that nomination program has been declared by respondents – State

Election Commission, and the petitioner on 15th November, 2025 has accordingly lodged her nomination for a post reserved for OBC.

2. Ms. Tulankar, learned Counsel would submit that the petitioner is called upon by the Returning Officer vide letter dated 16th November, 2025 to furnish certain documents in support of her candidature. The petitioner apprehends that in view of litigation that has been arisen as regards to her Caste Certificate and Validity Certificate, Returning Officer may invalidate her candidature. Hence, the petitioner has preferred this Writ Petition, thereby seeking directions to the Returning Officer to treat the petitioner as belonging to a candidate from Other Backward Class of citizen.

3. Ms. Tulankar, learned Counsel would strenuously submit that the petitioner has ample documents to show that she belongs to OBC category and that she can earn valid candidature for OBC for the ensuing election to Panchgani Giristthan Municipal Council. As such, Ms. Tulankar, learned Counsel prays to allow the Writ Petition in terms of prayer clause (a).

4. Ms. Bhide, learned Government Pleader representing the respondents would submit that apparently the petition is premature one and no cause of action has arisen yet for the petitioner to seek any relief as is prayed herein.

5. Upon hearing the parties at length and after giving due consideration to the arguments advanced by Ms. Tulankar, learned counsel, we find that as on today, nomination process is not completed. Nomination process generally comprises three stages i.e (i) filing of nomination; (ii) Scrutiny of nomination and (iii) Publication of candidates' list. Admittedly, today is the date fixed by the State Election Commission for scrutiny of nominations. As such, as on today the fate of Petitioner's nomination is under scrutiny.

6. Section 9A of The Maharashtra Municipal Councils Nagar Panchayats and Industrial Townships Act, 1965 (for the sake of brevity "1965 Act") provides that a person contesting election in the seat reserved for the Scheduled Caste, Scheduled Tribe or Backward Class of Citizens (OBC) shall have to submit alongwith nomination paper Caste Certificate issued by the Competent Authority and Validity Certificate issued by the Scrutiny Committee. For the sake of convenience, Section 9A of the 1965 Act is reproduced below;

"9A. Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.—

Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, along with the nomination paper, Caste Certificate issued by the Competent Authority and the Validity

Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification) of Caste Certificate Act, 2000 (Mah. XXIII of 2000)].

7. We are apprised that vide Ordinance No. XI OF 2025 dated 3rd November, 2025 the Government of Maharashtra amended Section 9-A of the 1965 Act. Section 6 of the Ordinance is reproduced as follows:-

"6. In section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as " the Municipal Councils Act "), for the existing provisos, the following provisos shall be substituted, namely :—

" Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing of the nomination papers, but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application submitted by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit the Validity Certificate issued by the Scrutiny Committee, within a period of six months from the date on which he is declared elected :

Provided further that, if such person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

8. Ms. Bhide, learned Government Pleader fairly agrees that it would be beyond the jurisdiction of the Returning Officer to inquire into the Caste Certificate as also Caste Validity Certificate of a candidate. She would submit that such Authority is required only to see compliance of Section 9-A together with its amended Proviso.

9. In view of this, although we find that the petition is premature one, apprehension of the petitioner that her candidature would be rejected by the Returning Officer on the point of her Caste Certificate and Validity Certificate finds to be weak founded. We are not convinced with the argument and apprehension expressed by the petitioner that despite the petitioner having Caste Certificate and Validity Certificate in her favour, Returning Officer shall reject her candidature.

10. In an ongoing process of Nomination Scrutiny, our interference is not warranted to certify genuineness of the Caste Certificate, Caste Validity Certificate or competency of the petitioner to contest the election on the seat reserved for OBC citizens.

11. Needless to mention, verification of Caste Certificate/ Validity certificate genuineness AND/OR legal sanctity of such document when produced by a contesting candidate, is beyond the authority of the Returning Officer/Election Officer. We hope and trust that Returning Officer acts perfectly within the jurisdiction and in four corners of law.

12. For the reasons stated, while we expressed our disinclination to allow the Writ Petition, Ms. Tulankar, learned Counsel seeks permission to withdraw the petition with liberty to convince the Returning Officer on her candidature.

13. Leave granted. Petition stands disposed of as withdrawn.

14. All contentions are kept open for the petitioner to take appropriate legal recourse as permissible in law. We clarify that we have not expressed our view on validity of Petitioner's candidature or the documents that the Petitioner relies upon.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]