

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 9837 OF 2025**

Pradip Kisan Divekar & Anr

..Petitioners

**Versus**

The State of Maharashtra, Through its  
department of Rural Development and Panchayat  
Raj Department and Ors

...Respondents

Mr. Surel Shah, Senior Advocate, with Suresh Palande, Shrirang  
Katneshwarkar, Sandeep Gupta and Vivek Chauhan, for the  
Petitioners.

Ms. D.S. Deshmukh, AGP, for Respondent Nos. 1, 2, 7 & 8-State.

**CORAM: N. J. JAMADAR, J.**

**DATED : 23<sup>rd</sup> JULY 2025**

**ORDER:**

**1.** Heard Mr. Surel Shah, the learned Senior Advocate, for the  
Petitioners.

**2.** Petitioner Nos. 1 and 2 were the elected members of Gram  
Panchayat, Varwand, Taluka-Daund, District-Pune, from the seats  
reserved for Other Backward Class and Schedule Casts (women),  
respectively. Petitioner Nos. 1 and 2 did not hold the Caste Validity  
Certificate issued by the Caste Scrutiny Committee. The Petitioners filed  
applications for issue of Caste Validity Certificate on 20<sup>th</sup> December  
2020 and 24<sup>th</sup> December 2020, respectively.

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**3.** Asserting that the Petitioners did not submit the Caste Validity Certificate within the period stipulated under Section 10-1A of the Maharashtra Village Panchayats Act, 1959, the Respondent No.4 filed an Application before the District Collector, Pune, seeking a declaration that the Petitioners stood disqualified as members of the Village Panchayat on account of failure to produce the Caste Validity Certificate, within the stipulated period.

**4.** By the impugned order dated 27<sup>th</sup> May 2025, the Respondent No.2 declared that the election of the Petitioner Nos. 1 and 2 shall be deemed to have been terminated retrospectively and they were disqualified as the members of the Village Panchayat with effect from 11<sup>th</sup> July 2024, the extended date for producing the Caste Validity Certificate. Hence this Petition.

**5.** Mr. Shah, the learned Senior Advocate, for the Petitioners, submitted that the Petitioners had applied for the Caste Validity Certificate well in time. There was no default or negligence on the part of the Petitioners. In view of the provisions contained in the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2023 (“The Extension of Period Act 2023”), the period to submit the Caste Validity Certificate for the elections held on or after 1<sup>st</sup> January 2021, stood extended by 12 months from

the date of commencement of the Extension of Period Act 2023, i.e., 10<sup>th</sup> July 2023. Thus, the said provision, according to Mr. Shah, ought to be construed directory as no fault or negligence is attributable to the Petitioners.

**6.** A bare perusal of the provisions of the Extension of Period Act 2023, for invoking the provisions contained in Section 3 of the Extension of Period Act 2023, the person must have applied to the Scrutiny Committee before the date of filing of the nomination papers, he should have been elected in the elections held on or after 1<sup>st</sup> January 2021 and before 10<sup>th</sup> July 2023, and he must submit the Caste Validity Certificate within the period of 12 months from 10<sup>th</sup> July 2023. Thus the extended period expired on 10<sup>th</sup> July 2023.

**7.** Evidently, the Caste Validity Certificate came to be issued to Petitioner No.1 on 14<sup>th</sup> February 2025. Whereas, the Caste Validity Certificate was issued to Petitioner No.2, on 4<sup>th</sup> October 2024. The Caste Validity Certificates were, thus, issued and sought to be produced beyond the extended period.

**8.** The submission of Mr. Shah that, on account of the delay in issuance and production of Caste Validity Certificate, beyond the control of the Petitioners, they could not have been visited with the consequences of disqualification, does not merit countenance.

**9.** A Full Bench of this Court in the case of **Anant H. Ulahalkar & Anr Vs Chief Election Commissioner & Ors**,<sup>1</sup> has enunciated in clear and explicit terms that failure on the part of the elected member to produce Caste Validity Certificate within the stipulated period would automatically result in termination of his election with retrospective effect and the validation of the caste claim of the elected member by the Scrutiny Committee beyond the prescribed period would have no effect upon the statutory consequences. The subsequent validation or issue of Caste Validity Certificate will be irrelevant for the purpose of restoration of such member's election but, such validation would obviously entitle him to contest election to be held on account of termination of his election and the consequent vacancy caused thereby.

**10.** The aforesaid decision in the case of **Anant H. Ulahalkar & Anr (Supra)**, was approved by the Supreme Court in the case of **Shankar S/o Raghunath Devre (Patil) Vs State of Maharashtra & Ors**.<sup>2</sup>

**11.** The reliance on the provisions contained in the Extension of Period Act 2023, also does not advance the case of the Petitioners as the proviso to Section 3(1) of the Extension of Period Act 2023, contains a mandate that the failure to produce Caste Validity Certificate within the period of 12 months from the date of the commencement of the Extension of Period Act 2023, would entail the consequences of

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**1** 2017 (1) Mh.L.J. 431.

**2** (2019) 3 SCC 220.

retrospective termination of the election and resultant disqualification for continuing to be a member of the Village Panchayat.

**12.** In a recent pronouncement in the case of **Sudhir Vikas Kalel & Ors Vs Bapu Rajaram Kalel & Ors**,<sup>3</sup> the Supreme Court again affirmed the Full Bench decision in the case of **Anant H. Ulahalkar & Anr (Supra)** and held that letting of the elected members who failed to produce the Caste Validity Certificate within the period extended by the Extension of Period Act 2023 will go against the object and purpose of extending the period for production of the Caste Validity Certificate, by a further period of 12 months from 10<sup>th</sup> July 2023.

**13.** Thus, the Petition being devoid of substance, does not deserve to be entertained.

**14.** The Petition stands dismissed.

[N. J. JAMADAR, J.]

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<sup>3</sup> (2024) 3 SCC 679.