



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6126/2025

(ASHIWINI PRITIMESH MHATURKAR (KU.ASHIWINI JAYRAM SONONE **VERSUS** THE STATE OF
 MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

Shri S.S. Patkar, counsel for the petitioner.
 Ms D.V. Sapkal, Assistant Government Pleader for the respondent nos.1 to 3.
 None for the respondent no.4, though served.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 03, 2025.

Heard the learned counsel for the parties.

2. The petitioner's challenge is to the orders dated 08.01.2025 and 28.05.2025 passed by the Additional Collector as well as the Additional Commissioner respectively disqualifying the petitioner as Member of Gram Panchayat for failure to submit the caste validity certificate of belonging to the Scheduled Tribes.

3. The petitioner was elected as a Member of Gram Panchayat Ghusar in the year 2021 from the reserved category of Scheduled Tribes. Thereafter, the petitioner was elected as Sarpanch of the Gram Panchayat. During the term of the petitioner as Sarpanch, an order came to be passed by the respondent no.2-Collector, Akola under Section 10-1A of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act of 1959') disqualifying number of persons including the petitioner for failure to submit the caste validity certificate. Resultantly, the petitioner stood disqualified and therefore she filed an appeal under Section 16(2) of the Act of 1959 before the respondent no.1-Divisional Commissioner, Amravati. The Appeal came to be rejected by order dated 28.05.2025 confirming the order of disqualification dated 08.01.2025 passed by the Collector, Akola. The petitioner has challenged both these orders by way of instant petition.

4. The primary contention canvassed by the counsel for the petitioner is that the caste claim of the petitioner is pending before the respondent no.4-Scheduled Tribes Certificate Scrutiny Committee, Amravati and she is pursuing with the Committee for immediate decision of her caste claim. However, despite repeated requests and applications, the caste claim is not decided and the petitioner cannot be blamed for delay in decision on the part of the Scrutiny Committee. He submitted that the respondent-Scrutiny Committee failed to consider the fact that the petitioner is not at fault and the impugned orders are therefore unsustainable.

5. A perusal of the impugned order dated 08.01.2025 passed by the Collector, Akola clearly shows that by invoking powers under section 10(1A) of the Act of 1959, various persons were held to be disqualified for the post of Member and/or Sarpanch with retrospective effect including the petitioner whose name is mentioned at Serial Number 29. This disqualification is pursuant to the provisions of Section 10(1A) of the Act of 1959 and based on the failure of the candidate to submit the caste validity certificate within the stipulated time. There is no dispute that the petitioner has failed to submit the caste validity certificate and her caste claim is still pending. As such, by operation of law, the petitioner stood disqualified and even the petitioner is not entitled to take advantage of the Government Resolutions granting extension of time to the candidates to submit the caste validity certificate since even today the petitioner does not have any caste validity certificate. The impugned orders are passed by the Authorities below in view of the petitioner's failure to submit the caste validity certificate and no perversity is seen with the impugned orders.

6. Hence, having regard to the above mentioned factual and legal aspects, no indulgence is warranted under Article 227 of the Constitution of India. The writ petition is dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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