

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.5766 OF 2025**

1. Mrs. Nutan Hamnat Sawant,  
Aged about 41 years.
  2. Mrs. Anjali Bharat Nikam,  
Aged about 42 years.
  3. Mrs. Chhaya Hanmant Tupe,  
Aged about 56 years.  
All Grampanchayat Members  
Residing at Kshetra Mahuli,  
Taluka Satara, District Satara. ...Petitioners.
- Versus
1. The State of Maharashtra,
  2. The Collector.  
Satara, District Satara.
  3. Grampanchayat Kshetra Mahuli,  
Taluka Satara, District Satara.
  4. Mr. Sachin Nagesh Jadhav. Adult.
  5. Mr. Sanjay Dattraya Jadhav, Adult.  
Nos. 4 and 5 residing at Kshetra Mahuli,  
Taluka Satara, District Satara. ...Respondents.

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*Mr. Pradeep S. Gole, Advocate for petitioners.*  
*Mr. Siddheshwar B. Kalel, AGP for respondents-State.*

*Mr. Vaibhav Gaikwad with Mr. Ganesh Tikole, Advocate for respondents.  
Mr. Surel Shah, Senior Counsel (Amicus Curiae) (through VC) alongwith  
Mr. Nikhil Adkine, Advocate*

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**Coram : Madhav J. Jamdar &  
Pravin S. Patil, JJ.**

**Reserved On : March 30, 2026.  
Pronounced On : June 08, 2026.**

**JUDGMENT (PER PRAVIN S. PATIL, J.) :**

1. Rule. Rule made returnable forthwith with the consent of the parties, the petition is taken up for final hearing. Heard Mr. Pradeep S. Gole, Advocate for petitioners, Mr. Siddheshwar B. Kalel, AGP for respondents-State, Mr. Vaibhav Gaikwad with Mr. Ganesh Tikole, Advocate for respondents and Mr. Surel Shah, Senior Counsel (Amicus Curiae) alongwith Mr. Nikhil Adkine, Counsel at length.
2. The petitioners herein have assailed the order dated 11th February 2025 passed by the Collector, Satara, whereby the petitioners, who were elected as Sarpanch and Members of the Gram Panchayat, were held disqualified for not submitting caste validity certificates within time period as per provisions of the Maharashtra Village Panchayats Act, 1959.
3. It would be relevant to record certain facts of the petition. The petitioner No. 1 had filed a nomination paper for election to the post of Sarpanch from Village Kshetra Mahuli under the Scheduled Caste category. Petitioner No. 2 had submitted her nomination paper for

election in Ward No. 2 for the post of Member of Village Kshetra Mahuli under the Backward Class Citizen category (Female). Petitioner No. 3 had submitted her nomination form for election in Ward No. 5 for the post of Member of Village Kshetra Mahuli under the Scheduled Caste (Female) category for the election of Grampanchayat for period 2022 to 2027.

4. The Maharashtra Village Panchayats Act specifically provides under Section 10-1A that persons who submits nomination paper from a reserved category should possess a caste validity certificate or submit proof of having applied for verification of caste certificate within a period of twelve months. It is necessary for every candidate desirous of contesting an election to a seat reserved for any reserved category is required to submit along with the nomination papers a caste certificate issued by the Competent Authority and a 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. If such validity certificate is not available, then the candidate is required to apply to the Scrutiny Committee before the date of filing nomination papers and submit a true copy of such application along with an undertaking that he shall submit the validity certificate within a period of

twelve months from the date on which the election results are declared.

5. In the present case, admittedly petitioners, on the date of submitting their nomination, were not possessing caste validity certificate, therefore, in compliance with Section 10-1A of the Maharashtra Village Panchayats Act, submitted undertakings that they would submit validity certificates issued by the Scrutiny Committee within a period of twelve months. Accordingly, their nomination papers were accepted and they were permitted to contest the election.

6. On 20<sup>th</sup> December 2022, result of election were declared. Petitioner No. 1 was elected as Sarpanch from the Scheduled Caste category, whereas petitioner Nos. 2 and 3 were elected as Members from the Scheduled Caste and Backward Class categories respectively.

7. It is the case of the petitioners that the Caste Scrutiny Committee, after verification of their caste claims, by order dated 12th July 2023 granted caste validity certificate in favour of petitioner No. 1 vide Decision No. 6176. In the case of petitioner No. 2, caste validity certificate was granted vide Decision No. 5783 dated 26th June 2023 and in respect of petitioner No. 3, the caste validity certificate was issued vide Decision No. 6965 dated 21st July 2023.

8. The petitioners further stated that by a common letter dated 2nd August 2023 they have submitted the caste validity certificates to the

Tahsildar, Satara. However, being uneducated persons, they did not obtain acknowledgment from the Tahsildar. As such, they are not possessing documentary proof to show that caste validity certificates were tendered in the office of Tahsildar.

9. It is further submitted that respondent Nos. 4 and 5, taking undue advantage of the apparent mistake on the part of the petitioners in not obtaining acknowledgment, filed an application before the Collector seeking disqualification of the petitioners for non-submission of caste validity certificates within the prescribed period. The said application was filed on 13th December 2024.

10. Respondent No. 2 – Collector, upon receipt of the complaint, issued notices to the petitioners. In response thereto, the petitioners pointed out that they had received caste validity certificates on or before 9th July 2024 and therefore they could not be disqualified merely on the ground of non-submission of the same to the Tahsildar within the stipulated period of twelve months. However, the Collector, considering the fact that the period of twelve months expired on 9th July 2024 and by that time the petitioners failed to submit their caste validity certificates as required under Section 10-1A of the Maharashtra Village Panchayats Act, disqualified them as Members of the Gram Panchayat.

11. Being aggrieved by the said order of the Collector, the petitioners

initially filed Writ Petition No. 5765 of 2025 before this Court. However, during pendency of the said petition, the State Government, vide Maharashtra Act No. XXXV of 2023 published in the Maharashtra Government Gazette on 14th August 2023, the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for Certain Elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2023, came into operation whereby the period for submitting caste validity certificates was further extended by twelve months from the date of commencement of the Act in respect of candidates who had contested elections on or before 1st August 2022.

**12.** In the present case, admittedly, the petitioners' elections were held before 1st August 2022. Therefore, under the impression that they were entitled to the benefit of the said enactment, the petitioners again moved an application dated 3rd June 2025 before respondent No.2 – Collector seeking restoration to their posts of Sarpanch and Members in view of the Maharashtra Temporary Extension Act, 2023.

**13.** Respondent No.2 – Collector, by the impugned order dated 11th February 2025, rejected the application filed by the petitioners by holding that the Maharashtra Temporary Extension Act, 2023 is applicable only to candidates whose applications are pending before the Caste Scrutiny Committee. According to the Collector, since the petitioners' caste claims

being decided on merits and petitioners are at fault for non submission of the Caste Validity Certificate within time they are not entitled to the protection of the Maharashtra Temporary Extension Act, 2023.

**14.** It is pertinent to note that after the decision of the Collector dated 11th February 2025, the State Government by Maharashtra Act No.XXX of 2025 again enacted the Maharashtra Temporary Extension of Period for Submitting Validity Certificate for Certain Elections to Village Panchayats, Zilla Parishads and Panchayat Samitis Act, 2025 and thereby extended the period for submission of validity certificates by a further period of twelve months to persons who had contested general or bye-elections to Village Panchayats, Zilla Parishads and Panchayat Samitis held on or after 1<sup>st</sup> August 2022 till the date of commencement of the said Act.

**15.** The petitioners therefore again approached before this Court by way of the present Writ Petition No.5766 of 2025 contending that, as the Maharashtra Act No.XXX of 2025 has further extended the period by twelve months from the date of commencement of the Act, i.e., 10<sup>th</sup> July 2025, to the persons who had contested general elections on or after 1<sup>st</sup> August 2022, they are entitled for protection and restoration to the elected posts. It is further contended that learned Collector already expressed his view in the matter, therefore, they approached before this

Court. During the pendency of present petition, they have unconditionally withdrawn Writ Petition No.5765/2025 filed by them against the order of Collector dated 11.02.2025.

**16.** Mr. Kalel, learned AGP for the respondents–State, and Mr. Vaibhav Gaikwad, learned counsel for respondent Nos.4 and 5 have strongly opposed the present petition. According to the respondents, the last date for submission of caste validity certificates by the petitioners was 9<sup>th</sup> July 2022. However, the petitioners failed to submit their caste validity certificates on or before the cut off date. Hence, they cannot be granted benefit of either the Maharashtra Temporary Extension Acts of 2023 or of the Act of 2025.

**17.** It is further submitted that this is not a case where the caste validity claims of the petitioners were pending before the Scrutiny Committee. The caste claims of the petitioners had already been decided and it is the petitioners who failed to submit validity certificates within the prescribed period. Hence, petitioners cannot be given benefit of the Maharashtra Temporary Extension Acts of 2023 and 2025. In short, it is their submission that the Maharashtra Temporary Extension Acts of 2023 and 2025 apply only where caste validity claims are pending before the Scrutiny Committee as contemplated under Section 3(1)(a) of the Maharashtra Temporary Extension Act, 2025. In the cases where caste

claim is decided the provisions of the Extension Act, 2025 will not be made applicable.

**18.** In light of the rival submissions, the issue which needs consideration is whether the petitioners are entitled to the benefit of the Maharashtra Temporary Extension Acts of 2023 and 2025. In view of the controversy raised in the petition, we have requested Mr. Sural Shah learned Senior counsel to assist the Court.

**19.** According to amicus curiae, as per Sections 3(1) (a) and (b), it is stipulated that the act is applicable in the cases where application for verification is pending before Committee and secondly where election is terminated or disqualified for not submitting the certificate within time. It is stated that in case the caste validity has been issued in favour of candidate but failed to submit the same within time, would not get the benefit of Extension Act-2025.

**20.** Learned amicus curiae submitted that Temporary Extension Act must be interpreted in the light of its object and purpose. According to him, it is a piece of beneficial & curative legislation, enacted only with a purpose to mitigate the hardship caused to bonafide candidate arising from administrative pendency. The Extension Act is for those who have made bonafide efforts to obtain caste validity Certificate & whose application remain Pending for reasons not attributable to them.

21. It is further stated that any interpretation excluding candidates who have obtained validity certificate but could not submit them within the period would defeat the object of extension & render the statutory Protection illusory.

22. In the background of submission made by respective Advocates, it would be relevant to reproduce Section 3 of the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for Certain Elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2025 which reads as under:

*“3. (1) Notwithstanding anything contained in section 3 of the Maharashtra Temporary Extension of Period for Submitting Validity Certificate (for certain elections to Village Panchayats, Zilla Parishads and Panchayat Samitis) Act, 2023 and in sections 10-1A and 30-1A of the Maharashtra Village Panchayats Act 11m and sections 12A, 42 and 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, a person who has contested the general or bye-elections to the Village Panchayats, Zilla Parishads and Panchayat Samitis which were held on or after 1st August 2022 till the date of commencement of this Act and,-*

*(a) who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers and who is elected on the reserved seat of a member or Sarpanch of Village Panchayat, Councillor or President of Zilla Parishad or member or Chairman of Panchayat Samiti, but whose application is pending before the Scrutiny Committee on the date of commencement of this Act, shall submit his Validity Certificate within a period of twelve months from the date of commencement of this Act; and*

*(b) whose election has been terminated or deemed to have been terminated or a person who is disqualified for being a member or Sarpanch of Village Panchayat, Councillor or President of Zilla Parishad or member or Chairman of Panchayat Samiti, for not submitting the Validity Certificate within the period specified in sections mentioned above, shall be deemed to be and shall continue to be a member or Sarpanch of Village Panchayat, Councillor or President of Zilla Parishad or member*

*or Chairman of Panchayat Samiti, as the case may be, and shall not be disqualified till the period of twelve months from the date of commencement of this Act for not submitting the Validity Certificate:*

*Provided that, if such person fails to produce the Validity Certificate within a period of twelve months from the date of commencement of this Act, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member or Sarpanch of Village Panchayat, Councillor or President of Zilla Parishad or member or Chairman of Panchayat Samiti.*

**2) The provisions of sub-section (1) shall not be applicable,-**

*(a) where bye-elections have been held on the seats specified in sub- section (1) before the date of commencement of this Act; or*

*(b) where a member whose application of Validity Certificate has been rejected by the Scrutiny Committee.”*

**23.** The petitioners, while relying upon Section 3 of the Maharashtra Temporary Extension Act, 2025, have emphasised on the Section 3(2), which according to them relevant in the matter. According to the petitioners, till filing of the present petition, no bye-election to their posts had been conducted by the State Government. Further, they have already obtained caste validity certificates from the Scrutiny Committee. They have also pointed out that elections to there respective posts of Sarpanch and Members of the Gram Panchayat were held before 1st August 2022 and therefore they are entitled to protection under the Maharashtra Temporary Extension Act, 2025.

**24.** On the other hand, the respondents have relied upon the judgments of this Court in *Bapu Rajaram Kalel & Ors. vs. State of*

*Maharashtra through Department of Rural Development & Ors.*, reported in *2023 SCC OnLine Bom 2864* and *Anant H. Ulahalkar & Anr. vs. Chief Election Commissioner & Ors.*, reported in *2017 (1) Mh.L.J. 431*. According to the respondents, Section 10-1A of the Maharashtra Village Panchayats Act has already been interpreted by this Court. Relying on same, it is the submission of the respondents that the provisions of the Maharashtra Temporary Extension Act, 2025 would not apply to the case of petitioners. By relying on section 3(1)(a) of the Maharashtra Temporary Extension Act, 2025, it is submitted that for getting benefit of said section, it is necessary that application should be pending with the Caste Scrutiny Committee and once the same is disposed of, there is no question of the applicability of the Maharashtra Temporary Extension Act, 2025 to the facts of this case.

**25.** In view of the submissions advanced, we have first perused the judgment of the Hon'ble Full Bench in *Anant H. Ulahalkar* (supra). Perusal of the judgment shows that three questions were referred for consideration, including whether the stipulation prescribed for production of validity certificates is mandatory or directory. It would therefore be relevant to reproduce relevant part of paragraph No.1 and paragraph Nos.2 and 100 of the said judgment, which read thus :

*“1. \*\*\*\*\**

*The main issue involved in this reference is whether the aforesaid stipulation of six months for production of Validity Certificate is only directory as **held** by the Division Bench (Coram S. B. Mhase and D. G. Karnik, JJ.) in the case of Dadasheb A. Gulve v/s. State of Maharashtra and Ors., 2007 MhLJ Online 7=2008 (2) Bom. C.R. 712 (Gulve) or whether the same is mandatory, as held by the Division Bench (Coram : D. D. Sinha and A. P. Bhangale, JJ.) in Sadashiv J. Shrote vs. State of Maharashtra and ors., 2010 (1) Mh.L.J. 203 (Shrote).*

*2. The genesis of this reference is the order dated 11 August, 2015 made in the present Writ Petition by the Division Bench (Coram: Naresh H. Patil and V. L. Achliya, JJ.). This order takes cognizance of the aforesaid conflict and opines that the matter be placed before the Hon'ble Chief Justice to consider whether reference needs to be made to a Larger Bench. The order also notes that the following questions of law arise :*

*(i) Whether the time limit prescribed under section 9-A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for submission of caste validity certificate by elected Councillor is mandatory in nature?*

*(ii) Whether the failure on the part of person elected as Councillor to produce the caste validity certificate within the period of six months from the date on which he was declared elected, irrespective of facts and circumstances and eventuality beyond the control of such person to produce validity certificate would automatically result into termination of his election with retrospective effect?*

*(iii) Whether the validation of caste claim of elected Councillor by the Scrutiny Committee beyond the prescribed period would automatically result into termination of such Councillor with retrospective operation?*

*100. In the result, we hold that the time limit of six months prescribed in the two provisos to section 9-A of the said Act, within which an elected person is required to produce the Validity Certificate from the Scrutiny Committee is mandatory.*

*Further, in terms of second proviso to section 9-A if a person fails to produce Validity Certificate within a period of six months from the date on which he is elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.*

*Such retrospective termination of his election and disqualification for being a Councillor would be automatic and*

*validation of his caste claim after the stipulated period would not result in restoration of his election.”*

From the findings recorded by the Hon’ble Full Bench, it is clear that the time period prescribed for submitting caste validity certificates is mandatory and if a person fails to produce the validity certificate within the stipulated period, his election shall be deemed to have been terminated retrospectively and he shall stand disqualified for being a Councillor/Member.

**26.** In our considered opinion, the Hon’ble Full Bench has decided applicability of Section 10A of the Maharashtra Village Panchayat Act, but question of applicability and effect of the Maharashtra Temporary Extension Acts of 2023 and 2025 was not the issue before the Hon’ble Full Bench. Therefore, this judgment would not be applicable in the present matter.

**27.** The respondents have then relied upon the judgment of the Coordinate Bench in the case of ***Bapu Rajaram Kalel*** (supra), wherein the issue involved was that in a no-confidence motion, one of the members who found disqualified for not submitting the caste validity certificate within the prescribed period can participate in a meeting of Grampanchayat. In the said case, it was held that if a person fails to submit the caste validity certificate within the prescribed period, he is not

entitled to continue as a Member consequently cannot participate in a meeting held for discussion of No Confidence against Sarpanch. In respect of the Maharashtra Temporary Extension Acts of 2023 and 2025, the observations made by the Coordinate Bench, which according to the respondents are relevant, are paragraph Nos.30 to 32, which read thus :

*“30. The question is not of an interpretation of Section 3, but when it comes into play. Now Sudhir was disqualified, and his election terminated well before the date of the Petition itself, i.e., 23<sup>rd</sup> June 2023. Indeed, his disqualification was even earlier, of 20<sup>th</sup> or 21<sup>st</sup> January 2022 and invalidated or terminated his election of one year prior, 21<sup>st</sup> January 2021. If the interpretation on behalf of Sudhir is to be accepted, it would mean that a termination or disqualification that has already taken place six months before the effective date of the Temporary Extension Act is somehow suddenly revived and extended by a period of 12 months. That results in an absurdity because it would mean, in this case, that Sudhir functioned in a disqualified fashion from 21<sup>st</sup> January 2022 to 10<sup>th</sup> July 2023, i.e., for a year and half, and abruptly got an extension of another 12 months to sanctify his election.*

*31. What is entirely overlooked in this argument is sub-section (2), emphasised above. The whole of sub-section (1) has no application where a member's validity certificate application has been rejected by the scrutiny committee. Obviously, the Temporary Extension Act only takes care of what we may call "the caste certificate twilight zone" where an application is made, but remains pending for months together.*

*32. In this particular case, Sudhir's application for a Validity Certificate was rejected on 1<sup>st</sup> April 2021. The argument that this rejection is technical is totally irrelevant. In fact, the order seems to us to expose precisely the mischief that is sought to be cured and addressed by Section 10-1A and the amended proviso. It is not permissible for a candidate to simply file an application and do nothing further. That application for a Validity Certificate must be properly filed and followed through. The mere filing of the application is not in sufficient compliance with the statute. The Validity Certificate has to be obtained within the time provided, whether by the original statute or by the Temporary Extension Act. Simply filing some sort of defective application with incomplete documents does not meet the statutory purpose.”*

28. In view of the observations made by the Coordinate Bench of this Court, the submission of the respondents is that if a person fails to submit the caste validity certificate within the prescribed period, then he would not be entitled to the benefit of the Maharashtra Temporary Extension Acts of 2023 and 2025.

29. Before considering the observations made by the Coordinate Bench in the case of ***Bapu Rajaram Kalel*** (supra), it is relevant to note Section 3 of the Act and more particularly, Sub-section 2 of Section 3 of the said Act. The said provision carves out exceptions in two situations to the benefit granted to the persons contemplated under section 3(1), firstly where bye-elections have been held and secondly the caste validity certificate has been rejected by the Scrutiny Committee. In view of this provision, it is relevant to note that in ***Bapu Rajaram Kalel*** (supra), the application seeking Caste Validity was “filed” and thus deemed to have been rejected by the Caste Scrutiny Committee. Thus, there was no occasion to consider the effect of sub-section (2) of Section 3 on section 3(1)(a) and (b) of the Temporary Extension Act. However, in the present case, the effect of sub-section (2) of section 3 on section 3(1)(a) and (b) needs consideration as in the present case the Caste Scrutiny Committee has issued Caste Validity Certificate in favour of the petitioners.

30. The Coordinate Bench judgment in the case of ***Bapu Rajaram Kalel***

(supra), which was upheld by the Hon'ble Supreme Court in *Sudhir Vikas Kalel & Ors. vs. Bapu Rajaram Kalel & Ors.*, reported in *(2024) 3 SCC 679*, shows that the Hon'ble Supreme Court while confirming the judgment of the Coordinate Bench has mainly considered the aspects of Section 3(1) of the Maharashtra Temporary Extension Act, 2023. In any case as per the factual position before the Supreme Court as the application seeking validity was "filed" and thus deemed to have been rejected by the Scrutiny Committee, the issue before the Supreme Court was completely different and there was no occasion to consider the effect of Section 3(2) of the Maharashtra Temporary Extension Act. This fact is clear from the observations recorded by the Hon'ble Supreme Court in paragraph Nos. 37 to 46, which read thus :

37. The High Court, in the impugned order [Bapu Rajaram Kalel v. State of Maharashtra, 2023 SCC OnLine Bom 2864] , has recorded the following findings in its operative portion : (Bapu Rajaram Kalel case [Bapu Rajaram Kalel v. State of Maharashtra, 2023 SCC OnLine Bom 2864] , SCC OnLine Bom paras 32-34)

"32. In this particular case, Sudhir's application for a validity certificate was rejected on 1-4-2021. The argument that this rejection is technical is totally irrelevant. In fact, the order seems to us to expose precisely the mischief that is sought to be cured and addressed by Section 10-1A and the amended proviso. It is not permissible for a candidate to simply file an application and do nothing further. That application for a validity certificate must be properly filed and followed through. The mere filing of the application is not in sufficient compliance with the statute. The validity certificate has to be obtained within the time provided, whether by the original statute or by the Temporary Extension Act. Simply filing some sort of defective application with incomplete documents does not meet the statutory purpose.

33. Thus, if even the mischief rule of interpretation, the oldest interpretation doctrine by far, [Heydon case, (1584) 3 Co Rep 7a : 76 ER 637] is adopted for the purposes of the Maharashtra Village Panchayats Act, 1959 and the Temporary Extension Act, it is clear that

defective or incomplete applications that result in a rejection are no different from a rejection on merits. Yet, Section 3(2)(b) of the Temporary Extension Act is thus an essential safeguard.

34. Viewed from either perspective, the Temporary Extension Act cannot come to Sudhir's rescue. We note from the Ordinance, a copy of which is at pages 93 and 96, that it was necessitated because of the huge backlog of applications pending before the scrutiny committee."

38. As was set out earlier, after obtaining his caste certificate on 3-2-2013, it was only on 30-12-2020 that is on the same day of the nomination that Appellant 1 moved the Scrutiny Committee for obtaining the validity certificate. The elections were held on 18-1-2021 and the results were declared on 21-1-2021. He ought to have furnished the validity certificate by 20-1-2022.

39. After filing his application for the validity certificate on 30-12-2020, he undertook that he would file the declaration of the results within a week. Besides, this undertaking is legally backed by the judgment in Mandakani Kachru Kokane [Mandakani Kachru Kokane v. State of Maharashtra, 2020 SCC OnLine Bom 1900 : (2021) 3 Mah LJ 221] , which no doubt gave two weeks from the date of declaration of the result for communication of the declaration to the Scrutiny Committee. Admittedly, Appellant 1 did not submit the declaration either within one week as undertaken or within two weeks as provided in Mandakani Kachru Kokane [Mandakani Kachru Kokane v. State of Maharashtra, 2020 SCC OnLine Bom 1900 : (2021) 3 Mah LJ 221] . In cases where there is due communication from the applicants, the Division Bench in Mandakani Kachru Kokane [Mandakani Kachru Kokane v. State of Maharashtra, 2020 SCC OnLine Bom 1900 : (2021) 3 Mah LJ 221] had obligated the Scrutiny Committee to decide the case within a maximum period of eight months from the date of communication. The Scrutiny Committee which is faced with a large number of applications can legitimately expect that the applicants who require disposal on priority basis should comply with the formalities required to enable the applicant to get priority in decision-making. The Committee under Rule 17(3) is also entitled to reject incomplete applications by recording reasons. Under Section 17(2) it is also the obligation of the applicant to comply with removal of objections raised.

40. It is in this background that the order of 1-4-2021 to 3-4-2021 came to be passed whereby the applications (including those of Appellant 1), were "filed". On the facts of the case, the question is, would the order of 1-4-2021 to 3-4-2021 tantamount to a rejection under Section 3(2)(b) of the Temporary Extension Act, 2023 so as to disentitle Appellant 1 from the benefit of Section 3.

41. To answer this question, the object of Sections 10-1A and 30-1A of the Panchayats Act along with Sections 3 and 4 of the Temporary

Extension Act, 2023 ought to be borne in mind. As has been correctly held in *Anant H. Ulahalkar* [*Anant H. Ulahalkar v. Chief Election Commr.*, 2016 SCC OnLine Bom 9862 : (2017) 1 Mah LJ 431] while reiterating the holding in *Sujit Vasant Patil* [*Sujit Vasant Patil v. State of Maharashtra*, 2004 SCC OnLine Bom 697] , ordinarily, the rule is for an aspiring candidate in an election to submit the caste certificate and the validity certificate along with the nomination. However, a window of twelve months was given for those who have not obtained the validity certificate to furnish the same and this was held to be a “risk” that the applicants were taking. Under the Caste Certificate Act, 2000, the certificate attains finality only if it is authenticated with a validity certificate. That statute and scheme have been discussed hereinabove. From those who aspire to contest for a reserved seat and who take a risk of applying for the validity certificate by filing an application before the date of nomination, it is prudent to expect that they will show utmost due diligence in the prosecution of their application. This would mean that they are expected to do all that is within their control to do and submit with the Scrutiny Committee a valid application for their consideration. In fact, it was on the basis that applicants aspiring to contest election who do not possess a validity certificate, were taking a risk, that the provisions were held to be mandatory.

42. Further and independent of the above, *Mandakani Kachru Kokane* [*Mandakani Kachru Kokane v. State of Maharashtra*, 2020 SCC OnLine Bom 1900 : (2021) 3 Mah LJ 221] which came on 27-10-2020 well before Appellant 1 filed his nomination clearly mandated that there was an obligation on the applicants before the Scrutiny Committee to furnish the declaration of the results within two weeks of the declaration of the results for expeditious disposal. In this case, results were announced on 21-1-2021. Under the law, as it obtained in Maharashtra, as laid down in the statute and in the judgments of the Court, there was an obligation to furnish the validity certificate on or before 20-1-2022. Appellant 1 admitted in the second application filed on 14-6-2023 that in spite of possessing the declaration of the result, for some reason, he could not file the same with the Scrutiny Committee. The consequence was that on 20-1-2022, Appellant 1 stood automatically disqualified as a member with retrospective effect from the date of his election, under Section 10-1A of the Panchayats Act. On 1-4-2021 to 3-4-2021, under Rules 17(2) and 17(3) of the Caste Certificate Rules, the applications were “filed” for not submitting of the notification of his election. It is pertinent to note that the said order was never challenged by Appellant 1 and so it has attained finality.

43. To hold that—in spite of Appellant 1 not doing everything required to be done, and which were under his control to do—his application before the Caste Certificate Scrutiny Committee was still pending on 10-7-2023 for the purposes of Section 3 of the Temporary

Extension Act, 2023, would be letting Appellant 1 take advantage of his own wrong. It will also go against the object and purpose of extending the time for production of the validity certificate by further period of twelve months from 10-7-2023.

44. As is clear from Section 3(1), the further period of twelve months from 10-7-2023 was for those whose applications were validly filed and pending and where their applications have been submitted before the date of nomination. Sub-section (1)(b) of Section 3 of the Temporary Extension Act, 2023 only revives the membership of those, whose applications are pending by enacting a deeming provision, since they are now given a further period of twelve months from 10-7-2023 to furnish the validity certificate. Sub-section (2)(b) clearly states that Section 3(1) was not to apply to members whose applications for validity certificate have been rejected by the Scrutiny Committee.

45. The contention of the learned counsel for Appellant 1 that there was no rejection and that it was only a “filing” or “lodgment” of the application on 1-4-2021 to 3-4-2021 by the Scrutiny Committee, does not commend itself to us for acceptance. The rejection in Section 3(2) (b) will also include those cases where applications came to be rejected on account of defaults committed at the end of the applicants themselves. An applicant who has certain things under his control ought to have done everything that is under his control for the purpose of Section 3 of the Temporary Extension Act, 2023. This would also mean that Section 3(1) of the Temporary Extension Act, 2023 would not apply since there was no valid application filed before the nomination to the Scrutiny Committee and which was pending. That his application was not pending, was also the undertaking of Appellant 1, as explained hereinabove. Accepting the contention of Appellant 1 would also amount to putting a premium on the concession given to a party who was taking the “risk” of contesting the election by not having a validity certificate on the date of the nomination.

46. For the above reasons, we hold that Appellant 1 stood automatically disqualified as a member since he failed to produce the validity certificate within 12 months from the date of his election. The protective umbrella of Section 3 of the Temporary Extension Act, 2023 will not be available to Appellant 1 since he is hit by Section 3(2)(b), for the reason that there was no valid application pending on the date of the commencement of the said Act.

From the aforesaid observations of the Hon’ble Supreme Court of India, it is clear that the effect of Section 3(2) of the Maharashtra

Temporary Extension Act, 2025 on section 3(1) (a) and (b) was not specifically dealt with in the said judgment. It is clear that in that case the application seeking Caste Validity was “filed” and deemed to have been rejected.

**31.** It would be material to note that Section 10-1A of the Maharashtra Village Panchayat Act prescribe a general rule of submission of caste validity within six months, coupled with a consequence of deemed retrospective termination. However, the Maharashtra Temporary Extension Act, 2023 and 2025 introduce a remedial and overriding framework, carving out a relaxation in deserving cases. These enactments, particularly by use of “non-obstante” clause, clearly evince legislative intent to override the rigours of the parent statute and defer the operation of disqualification in specified circumstance stated therein. Therefore, in our opinion, this provision must be interpreted in a manner that preserves this statutory balance between rule, relaxation, and consequences.

**32.** In our opinion, Temporary Extension Acts, 2025 is in the nature of beneficial and curative legislation, enacted to address hardships caused by systemic delays in caste verification. The Temporary Extension Act must therefore be interpreted in light of its object and purpose, namely, to mitigate hardship caused to bona fide candidates, while not diluting

the requirement of eventual submission of caste validity certificates. It is a piece of beneficial and curative legislation, enacted to address exceptional situation. The Temporary Extension Act is a continuation of this balancing exercise and deserves to be interpreted in a manner that advances the cause of justice, sustains democratic representation, and upholds the true spirit of reservation in local self-government institutions.

**33.** It would be relevant to note that Sub-Section (2) of Section 3 of the Temporary Extension Act clearly provides the circumstances in which the benefit of said section is not available. The same specifies only two exceptions namely where bye-elections have been held on the seats specified in sub-section (1) before the date of commencement of the Maharashtra Temporary Extension Act, 2025 and where a member whose application of Validity Certificate has been rejected by the Scrutiny Committee. Admittedly, in this case these two circumstances have not taken place. Mr. Gaikwad, learned Counsel has more particularly emphasized on the sub-section (1) of section 3 which provides that benefit is available only if application is pending before the Scrutiny Committee. However, the said sub-section (1) of section 3 is required to be read with sub-section (2) of section 3. Thus, it is clear that the benefit of sub-section (1) particularly of sub-section 1(b) is available if *inter alia* application of the applicant is not rejected by the Case Scrutiny

Committee. Admittedly, in this case, Scrutiny Committee has granted Validity Certificate to the petitioners. Thus, to this case two exceptions specified in sub-section (2) of section 3 of the Temporary Extension Act are not applicable.

**34.** We are interpreting this provision in a manner stated above because the concept of reservation in local self-government institutions finds its roots in the constitutional mandate of social justice under the Constitution of India. The introduction of reservation in village panchayats and other local bodies was intended to ensure meaningful participation of historically marginalized sections such as Scheduled Castes, Scheduled Tribes, Other Backward Classes, and women in grassroots democracy. This policy is not merely representational but transformative in nature, aiming to dismantle long-standing social barriers and to enable equitable distribution of political power. Hence, this provisions cannot be given restrictive interpretation excluding the candidates who have obtained the validity certificate but could not submit them within earlier period which would defeat the very object of the extension and rendered the statutory protection illusory.

**35.** In the present matter, the proviso, which plays an important role, is required to be considered. Generally speaking, a proviso is intended to limit the enacted provision so as to except something which would

otherwise been within it or in some measure to modify the enacting clause. Sometimes, a proviso may be embedded in the main provision and becomes an integral part of it so as to amount to a substantive provision itself. Normally, a proviso is meant to be an exception to something within the main enactment or to qualify something enacted therein which but for the proviso would be within the purview of the enactment. In other words, a proviso cannot be torn apart from the main enactment nor can it be used to nullify or set at naught the real object of the main enactment.

**36.** It would be relevant to refer the judgment of the Hon'ble Supreme Court of India in case of *S. Sundaram Pallai and others Vs. VR Pattabiraman and others reported in (1985) 1 SCC 591*, wherein the Hon'ble Supreme Court has considered the scope of a proviso and its different purposes. In this judgment by referring all relevant case laws, the Hon'ble Supreme Court has summed up the different purposes of proviso. The same is carved out in paragraph No.43 of the judgment. Paragraph No.43 of the judgment reads as under:

*“43. We need not multiply authorities after authorities on this point because the legal position seems to be clearly and manifestly well established. To sum up a proviso may serve four different purposes:  
(1) qualifying or excepting certain provisions from the main enactment:*

*(2) it may entirely change the very concept of the intendment of the enactment by insisting on certain mandatory conditions to be fulfilled in order to make the enactment workable:*

*(3) it may be so embedded in the Act itself as to become an integral part of the enactment and thus acquire the tenor and colour of the substantive enactment itself; and*

*(4) it may be used merely to act as an optional addenda to the enactment with the sole object of explaining the real intendment of the statutory provision.”*

**37.** In the present matter, considering the aforesaid judgment of the Hon’ble Supreme Court of India and Clause 3(2) of the Maharashtra Temporary Extension Act, 2025, clearly states that Section 3(1) would not be applicable in two contingencies, (i) where bye-elections have been held, or (ii) where the validity certificate has been rejected by the Scrutiny Committee. If the aforesaid two contingencies do not exist, then Section 3(1) has to be made applicable to the candidates whose elections were held before 01.08.2022, and the persons whose elections had been terminated shall also be deemed to have continued as members or Sarpanchs of the Village Panchayat. Hence, the submission of the respondents that, once the elections of the petitioners had been terminated, they are not entitled to the benefit of the said Act is, according to us, misconceived.

**38.** In addition to the above, it would also be relevant to note that the rules of interpretation of statutes specifically state that words, phrases, or

sentences should ordinarily be understood in their natural, ordinary, and grammatical sense, unless such construction leads to absurdity. A perusal of the Maharashtra Temporary Extension Act, 2025 clearly demonstrates that the same has been enacted to grant protection to elected candidates who failed to produce caste validity certificates within the prescribed time period. It is further clear that, by enacting the said Act, the intention of the legislature is to ascertain the basic rule of reservation and to grant protection to candidates elected from reserved categories.

**39.** In view of this intention of the legislation, the statutory provisions are required to be interpreted by applying the principle of purposive construction. The purposive construction has been recently considered by the authoritative judgment of the Hon'ble Supreme Court in case of ***Vivek Narayan Sharma and others Vs. Union of India reported in 2023 (3) SCC 1***, wherein in paragraph No.148 observed as under:

*“148. It is thus clear that it is a settled principle that the modern approach of interpretation is a pragmatic one, and not pedantic. An interpretation which advances the purpose of the Act and which ensures its smooth and harmonious working must be chosen and the other which leads to absurdity, or confusion, or friction, or contradiction and conflict between its various provisions, or undermines, or tends to defeat or destroy the basic scheme and purpose of the enactment must be eschewed. The primary and foremost task of the Court in interpreting a statute is to gather the intention of the legislature, actual or imputed. Having ascertained the*

*intention, it is the duty of the Court to strive to so interpret the statute as to promote or advance the object and purpose of the enactment. For this purpose, where necessary, the Court may even depart from the rule that plain words should be interpreted according to their plain meaning. There need be no meek and mute submission to the plainness of the language. To avoid patent injustice, anomaly or absurdity or to avoid invalidation of a law, the court would be justified in departing from the so-called golden rule of construction so as to give effect to the object and purpose of the enactment. Ascertainment of legislative intent is the basic rule of statutory construction.”*

40. The benefit of the sub-section (3)(1)(b) of the Maharashtra Temporary Extension Act, 2025 providing that a person whose election has been terminated or deemed to have been terminated or a person who is disqualified for being a member or Sarpanch of Village Panchayat, Councillor or President of Zilla Parishad or member or Chairman of Panchayat Samiti, for not submitting the Validity Certificate within the period specified in sections mentioned above, shall be deemed to be and shall continue to be a member or Sarpanch of Village Panchayat, Councillor or President of Zilla Parishad or member or Chairman of Panchayat Samiti, as the case may be, and shall not be disqualified till the period of twelve months from the date of commencement of the Maharashtra Temporary Extension Act, 2025 for not submitting the Validity Certificate is not available only in two contingencies namely

where bye-elections have been held on the seats specified in sub-section (1) before the date of commencement of the Maharashtra Temporary Extension Act, 2025 and where a member whose application of Validity Certificate has been rejected by the Scrutiny Committee. Any other interpretation will defeat the purpose of the Maharashtra Temporary Extension Act, 2025. As held by the Supreme Court having ascertained the intention, it is the duty of the Court to strive to interpret the statute as to promote or advance the object and purpose of the enactment. For this purpose, where necessary, the Court may even depart from the rule that plain words should be interpreted according to their plain meaning. There need be no meek and mute submission to the plainness of the language. To avoid patent injustice, anomaly or absurdity or to avoid invalidation of a law, the court would be justified in departing from the so-called golden rule of construction so as to give effect to the object and purpose of the enactment. Ascertainment of legislative intent is the basic rule of statutory construction. Thus, denying benefit of sub-section 3(1) (b) of the Maharashtra Temporary Extension Act, 2025 to a person whom Caste Scrutiny Committee has granted Validity Certificate will defeat the purpose of the Maharashtra Temporary Extension Act, 2025.

**41.** In the present case, we have observed from the chronological events that after the elections held on 20th December 2022, the period of

twelve months for submitting caste validity certificates expired on 9th July 2024. However, before the said date, i.e., on 12th July 2023, 26th June 2023 and 20th November 2023 respectively, the petitioners were already in receipt of caste validity certificates. Merely because the same were not submitted in a proper manner, such democratically elected members of the Gram Panchayat cannot be disqualified in the light of the Maharashtra Temporary Extension Acts of 2023 and 2025.

**42.** In the facts and circumstances, taking into consideration the intention of the legislation and the specific provision, the Maharashtra Temporary Extension Act, 2025, we are of the considered opinion that in view of Section 3 (2), the petitioners whose seats are not filled in by way of bye-election till date and more importantly, they possess the validity certificate obtained during the period of one year, are not covered under sub-section 3(2)(b) i.e. where a member whose application of Validity Certificate has been rejected by the Scrutiny Committee are, certainly entitled for the protection provided under Section 3(1)(a) and (b) of the Maharashtra Temporary Extension Act, 2025.

**43.** In view of the above, we allow the present writ petition and hereby declare that the petitioners are entitled to protection in terms of the Maharashtra Temporary Extension Act, 2025 and thereby they stand restored to their respective positions as Sarpanch and Members of Gram

Panchayat Kshetra Mahuli, Taluka Satara and District Satara, as per the results of the general elections held in the month of December 2022.

**44.** The impugned order dated 11th February 2025 passed by respondent No. 2 – Collector disqualifying the petitioners from the posts of Sarpanch and Members of Gram Panchayat Kshetra Mahuli, Taluka Satara and District Satara is hereby quashed and set aside.

**45.** In view of the above, the writ petition stands disposed of. There shall be no order as to costs.

**46.** We appreciate valuable assistance of Senior Counsel Mr. Sural Shah along with Mr. Nikhil Adkine, Counsel in the present matter.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]