

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14233 OF 2025

Jitendra Dattu Jadhav

...Petitioner

Versus

Swapnil Sitaram Patil and ors.

...Respondents

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SUBHASH
KULKARNI

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Mr. Vishal Patil, a/w Afsar Ansari, for the Petitioner.
Ms. D. S. Deshmukh, AGP for the State.

CORAM: N. J. JAMADAR, J.
DATED: 9th FEBRUARY, 2026

ORDER:-

1. By this petition under Article 227 of the Constitution of India, the petitioner takes exception to an order dated 17th April, 2025, passed by the Divisional Commissioner, Konkan Division, Mumbai, in Village Panchayat Appeal, under Section 16(2) of the Maharashtra Village Panchayat Act, whereby the appeal preferred by the petitioner against an order dated 21st February, 2025, passed by the Additional District Collector, Thane, thereby declaring that the petitioner has incurred disqualification under Section 10-1A of the Maharashtra Village Panchayat Act, 1959 ("the Act, 1959") for having failed to produce the Caste Validity Certificate within the stipulated period, came to be dismissed.

2. In the Village Panchayat Election, 2022, the petitioner was elected as a member from Ward No.3 of Ambadi Village Panchayat; a seat reserved for the Scheduled Tribe.

3. Under Section 10-1A of the Act, 1959, every person desirous of contesting an election to a seat reserved for Scheduled Caste, Scheduled Tribe or backward class citizen, is required to submit Caste Certificate and Validity Certificate issued by the Scrutiny Committee, alongwith the nomination papers. The first proviso to Section 10-1A, however, permitted filing of nomination without the Validity Certificate upon submitting a true copy of the application preferred by the candidate to the Scrutiny Committee and an undertaking to submit the Validity Certificate within 12 months from the date on which such candidate is declared elected. The second proviso to Section 10-1A, however, provides that if such person fails to produce the Validity Certificate within the period of 12 months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member.

4. In the case at hand, the petitioner was required to submit the Caste Validity Certificate on or before 17th October, 2023. However, the petitioner produced the Caste Validity Certificate

on 1st December, 2023. The Authorities have found that the petitioner had, in fact, filed application before the Scrutiny Committee after the expiry of 12 months period i.e. 23rd October, 2023. Thus, a clear case of disqualification was made out.

5. Mr. Patil, the learned Counsel for the petitioner, would urge that there were justifiable causes for the petitioner for not producing the Validity Certificate, within the stipulated period of 12 months. A duly elected member shall not be disqualified on such a technical ground, urged Mr. Patil.

6. I am afraid to accede to the aforesaid submissions on behalf of the petitioner. The controversy is no longer *res integra*.

7. A Full Bench of this Court in the case of ***Anant H. Ulahalkar and another vs. Chief Election Commissioner and others¹***, in the context of the provisions contained in Section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, which is *pari materia* Section 10-1A of the Act, 1959, has held that the time limit of six months prescribed in the two provisos to Section 9A of the said Act, within which an elected person is required to produce the Validity Certificate from the Scrutiny Committee, is mandatory and in terms of second proviso to Section 9A, if a person fails to

1 2016 SCC OnLine Bom 9862.

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 as such termination would be automatic and the subsequent validation of his caste claim after the stipulated period would not result in restoration of his election.

8. The aforesaid decision of the Full Bench of this Court has been affirmed by the Supreme Court in the cases of *Shankar Raghunath Devre (Patil) vs. State of Maharashtra*² and *Sudhir Vikas Kalel and others vs. Bapu Rajaram Kalel and others*³.

9. The aforesaid being the position in law, the petition does not deserve to be entertained.

10. The petition stands disposed.

[N. J. JAMADAR, J.]

2 (2019) 3 SCC 220.

3 (2024) 3 SCC 679.