



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD**

923. WRIT PETITION No. 3271 of 2019

Amol Ranjeet Thakar ...Petitioner  
VERSUS  
The State of Maharashtra and others ...Respondents

*Mr. Pratap V. Jadhavar, Advocate for petitioner*  
*Mr. Y.G. Gujarathi, Asstt. Govt. Pleader for all respondents*

**CORAM : SUNIL P. DESHMUKH, J.**

**DATE : 7<sup>th</sup> March, 2019**

**ORDER:**

1. Issue notice to respondents, returnable on 8<sup>th</sup> April, 2019.
2. Learned Assistant Government Pleader waives notice for all respondents.
3. Learned counsel Mr. Jadhavar for petitioner urges for interim relief stating that petitioner had been elected as Member of Village Panchayat, Yedshi Taluka and District Osmanabad, in election held in October, 2017 from Scheduled Tribes category. His caste/tribe validity certificate proceeding is pending before the Caste/Tribe Verification Scrutiny Committee/respondent no.2. However, petitioner has been declared to have been disqualified



by respondent no.5- the Tahsildar, Osmanabad, under impugned order dated 1<sup>st</sup> February, 2019 for non-submission of caste/tribe validity certificate within stipulated period. Learned counsel draws attention to Ordinance No. II of 2019 issued by the Government of Maharashtra on 14<sup>th</sup> February, 2019, particularly, clause (4) thereof, reading, thus,

“ 4. Section 8 of the amendment Act, shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, following sub-section shall be added, namely :-

“(2) Notwithstanding anything contained in sub-section (1), any person who has obtained Caste Certificate or Validity Certificate after the 26<sup>th</sup> March 2015, but has not filed such certificate within the stipulated period as per provisions of the Maharashtra Village Panchayats Act, shall not be deemed to be disqualified under the provisions of the Maharashtra Village Panchayats Act, if he has already submitted the Validity Certificate to the Competent Authority after expiry of the such stipulated period but before the publication of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) (Amendment) Ordinance, 2019 in the Official Gazette or if he submits such certificate within a period of three months from the date of such publication of said Ordinance, 2019 in the Official Gazette :

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of publication of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) (Amendment) Ordinance, 2019 in the Official Gazette has held elections to fill the vacancy of such person or declared the programme for holding of such election. ”

4. He submits that though the caste validity certificate as yet has not been issued, petitioner would be entitled to submit said certificate before expiry of period of three months from the



date of such publication of said Ordinance, as referred to under aforesaid provision.

5. Having regard to clause (4) of the Ordinance dated 14<sup>th</sup> February 2019, till returnable date, further consequent action pursuant to impugned order passed by the Tahsildar, Osmanabad, in File/ जा.क. 2018/निवडणुक/कावी dated 1<sup>st</sup> February, 2019 may not be taken.

6. In the meanwhile, it would be expedient if respondent no. 2 proceeds with the pending caste/tribe validity proceedings of the petitioner.

**( SUNIL P. DESHMUKH )  
JUDGE.**

*Madkar*