



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

**WRIT PETITION NO. 3941 OF 2017**

Sujata Uttam Shinde and another .. Petitioners

**Versus**

The Divisional Commissioner Nashik  
and others .. Respondents

Shri Prashant N. Khedkar, Advocate for Petitioners.

Shri A. A. Jagatkar, A. G. P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND  
SANGITRAO S. PATIL, JJ.**

**DATE : 23RD MARCH, 2017.**

**PER COURT :**

. The learned counsel for petitioners states that, validity certificates have been issued to both the petitioners, however, after lapse of six months. On the said count the petitioners have been disqualified. According to the learned counsel against the said order petitioners had filed appeal before the Commissioner along with stay application. But the same has not been decided.

2. We had asked the learned Assistant Government Pleader to take instructions. The learned A. G. P. on instructions of the Commissioner states that, the Commissioner does not have power to entertain the appeal, if the disqualification is U/Sec.



10(1-A) of the Maharashtra Village Panchayat Act.

3. Validity certificates issued to petitioners are placed on record. The Apex Court on 13.02.2017 has stayed the judgment of the Full Bench of this Court in a case of Anant Ulahalkar Vs. Chief Election Commissioner reported in *2017(1) Mh. L. J. 431*.

4. The Full Bench of this Court had held that, if the validity is not submitted within six months, person shall stand disqualified as a member of Gram Panchayat. Said judgment is stayed by the Apex Court.

5. In the light of the above, issue notice to respondents, returnable on 13.04.2017. The learned A. G. P. waives notice for respondent Nos. 1 to 3.

6. In the mean time, there shall be *ad-interim* stay to the impugned order to the extent of petitioners.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]