



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11311 OF 2025

Sayaji Sonu More

... Petitioner

Vs.

The State of Maharashtra, through Principal Secretary,
Rural Development and Panchayat Raj Dept. & Ors.

...Respondents

Mr. Sandeep S. Patade for the petitioner.

Mr. B.V. Samant, Addl. G.P. a/w. Mrs. P.M.T. Deshpande, AGP for the State.

CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.
DATE: 1 SEPTEMBER, 2026.

P.C.

1. This Writ Petition under Article 226 of the Constitution of India is filed
praying for the following substantive reliefs:

“a) That this Hon’ble Court may be pleased to issue a writ of mandamus and/or writ of certiorari or any other appropriate writ, order or direction in the nature of mandamus or certiorari thereby calling upon the records and the proceeding of the minutes of meetings dated 22.04.2025 and 15.07.2025 from the office of respondent nos. 2 and 4 and after going through the validity, legality and propriety of the impugned orders/minutes of meetings, be pleased to quash and set aside the said impugned minutes of meetings/orders dated 22.04.2025 and 15.07.2025 passed by the Ld. Tahsildar, Mangaon.

b) That this Hon’ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus and declare that the reservation of Scheduled Caste to the post of Sarpanch fixed for Pansai Grampanchayat as per the minutes of meeting dated 21.01.2021 passed by the Ld. Tahsildar, Mangaon is valid, correct and legal and the same may be directed to be given to the said Pansai Grampanchayat for upcoming five years period.”

2. The petitioner states that he belongs to the Scheduled Caste and was elected as a member of Pansai Grampanchayat, District Raigad for the period from 2019 to 2024, in the election held in the year 2019. It is the petitioner’s

case that, as per Section 10 of the Village Panchayat Act. 1958 and more particularly Rule 2A of the Mumbai Village Panchayata (Sarpanch and Upa-Sarpanch) Election Rules, 1964, reservation to the post of Sarpanch is required to be made on rotation basis amongst the Village Panchayats in a particular Taluka. It is the petitioner's case that the Tahsildar, Mangaon had held a meeting on 21 January, 2021 and declared reservation for the Scheduled Caste in respect of 74 Grampanchayats for the period from 2021 to 2025, pursuant to which Pansai Grampanchayat was granted such reservation for the period from 2021 to 2025. However, according to the petitioner, such reservation ought to have been granted for the period from 2024 to 2029, as the election for the period from 2019 to 2024 had already been held and no reservation for Scheduled Castes had been granted to Pansai Grampanchayat, though it was entitled to such reservation.

3. The petitioner has further contended that, on 22 April, 2025, the Tahsildar again held a meeting for fixing the reservation for the Scheduled Caste to the Grampanchayats when reservation was not granted to the Pansai Grampanchayat. Accordingly, on 9 May, 2025, the petitioner raised objections to the minutes of the meeting held on 22 April, 2024, whereby, according to him, an incorrect reservation had been fixed. The said objections were addressed to the Secretary as also to the Election Commission. Similar objections were raised by the petitioner on 13 May, 2025 in respect of the Minutes of meeting dated 22 May, 2025, which were submitted to the Sub-Divisional Officer, Mangaon. By the impugned communication dated 19 May, 2025, the petitioner was informed that the authority concerned lacked jurisdiction to take decision on the objections.

Pursuant thereto, the petitioner raised objections before the Tahsildar, who was competent to fix the reservation, however, there was no response from the Tahsildar. The petitioner as also the Law Development Officer raised objections to the minutes of the meeting dated 22 May, 2025, which was addressed by its communication dated 14 May, 2025 to the District Collector. In the meantime, on 16 June, 2025, the State Government issued a notification directing the District Collector to fix the reservation for 74 Village Panchayats in Mangaon Taluka. In pursuance thereto, it is the the petitioner's case that on 15 July, 2025, the Tahsildar held a meeting and again fixed the reservation, excluding Pansai Grampanchayat. On 22 July, 2025, the petitioner raised objections before the Tahsildar to the minutes of the meeting held by Tahsildar thereby fixing incorrect reservation to four Grampanchayats excluding Pansai Grampanchayat. It is in these circumstances, the present petition is filed.

4. Learned counsel for the petitioner has contended that respondent nos. 2 and 4 have failed to grant reservation to candidates belonging to the Scheduled Castes to the post of Sarpanch of Pansai Grampanchayat for a period of five years without considering the provisions of Section 10A of the Maharashtra Village Panchayat Act as also the respondents have failed to grant such reservation to candidates belonging to the Scheduled Castes for election to the post of Sarpanch of Pansai Grampanchayat for the five years period in the ensuing elections of the Village Panchayat which would take place under the provisions of Section 2A of the Bombay Village Panchayat (Sarpanch and Up-Sarpanch) Election Rule 1964.

5. Reply affidavit is filed on behalf of respondent nos. 3 to 5 by Shri Dasharath Dnyaneshwar Kale, Tahsildar, Mangaon, District Raigad justifying the Collector's order dated 22 April, 2025 of the SDO and Competent Authority. It is contended in the said reply that every 5 years elections for electing the Sarpanch takes place by following the process as prescribed under the Bombay Village Panchayat (Sarpanch and Up-Sarpanch) Election Rule 1964. It is contended that the election of the Pansai Grampanchayat was held for the period 2019 and ended on 2024. It is stated that said period starts during the reservation period of 2016 to 2020 and ends during the reservation period 2021 to 2025. It is further stated that the period 2016-2020 , the Pansai Grampanchayat did not have a reservation for Scheduled Caste, however, during the period 2021 to 2025, the said Grampanchayat was declared to have reservation in Scheduled Caste. It is contended that admittedly under Section 151 of the Maharashtra Village Panchayat Act, an Administrator came to be appointed qua the Grampanchayat and as such no election had taken place before the expiry of the reservation period 2021 to 2025. It is next contended that as per the Bombay Village Panchayat (Sarpanch and Up-Sarpanch) Election Rules 1964 and the Bombay Village Panchayat (Number of members, division into wards and reservation of seat Rules), 1966, four Grampanchayats from a taluka could be granted reservations for scheduled castes in each period of 5 years. It is stated that since such reservation was granted to Pansai Grampanchayat for the period 2021 to 2025, the said Grampanchayat cannot be granted same reservation until by rotation it is again due after granting such reservation to the remaining Grampanchayat. It is

hence contended that the relief sought by the petitioner cannot be granted since the reservation was granted to the said Grampanchayat for the period 2021 to 2025 and the same has lapsed. It is also contended that the Tahsildar as well as the SDO and Competent Authority have followed procedure prescribed by law and as such action taken by both the authorities is legal and valid.

6. There is an additional affidavit in reply by the Tahsildar, Mangaon dated 5 December, 2025 to place on record certain addition information, which is stated was inadvertently not brought to the notice of this Court and after taking charge of Tahsildar at Mangaon, some additional information was obtained and it was thought appropriate to place the same on record and hence this additional affidavit was filed. The relevant contents of the additional affidavit in reply are required to be noted, which reads thus:

“2. I say that, the Government of Maharashtra issued two Government Resolutions dated 05.03.2025 and 13.06.2025. Furthermore, pursuant to the order of the Collector Raigad dated 07.07.2025, as referred at “Exhibit K” to the Writ Petition (please refer Page No. 60-61 of the Writ Petition), copies of the above mentioned Government Resolutions dated 05.03.2025 and 13/06/2025 are annexed hereto and marked as Exhibit "R1" and Exhibit "R2", respectively.

3. I say that, as per notification published in Maharashtra Govt. Gazette no.4b dated 05/03/2025 and 13/06/2025, and as per order of Res. No. 3 dt. 07/07/2025, reservation for the post of sarpanch, in Gram panchayats in Mangaon Tahsil were declared on 15/07/2025. A copy of Official Gazette dated 05/03/2025 and 13/06/2025 is annexed at Exhibit "R3". and Exhibit "R4" respectively. A Copy of order dt. 07/07/2025 issued by the Res. No.3 is annexed at Exhibit "R5".

4. I say that the reservation for the post of Sarpanch in Grampanchayats within Mangaon Tahsil was officially declared on 15/07/2025. This declaration took place in the presence of political party representatives, Grampanchayat members, and the general public. During the meeting, it was declared that the position of Sarpanch for Grampanchayat Pansai would be reserved for candidates belonging to the Scheduled Tribe category.

5. I state that the declaration of reservation for the post of Sarpanch was granted with all due procedure and prior reservation position for the said post. I state that previous reservation details for the post of Sarpanch, Grampanchayat Pansai are as follows:

Sr.no.	Period	Reservations	Reservations declaration date
1	2010 to 2015	General	09.08.2010
2	2016 to 2020	General Woman	09.06.2015
3	2021 to 2025	Scheduled Caste	21.01.2021
4	2025 to 2030	Scheduled Tribe	15.07.2025

6. In accordance with the above-mentioned information, reservation for the candidate belonging to the Scheduled Caste was granted for the period from 2021 to 2025. After the previous reservation period ended, Respondent No.5 held a meeting on 15/07/2025 and declared the new reservations in accordance with the instructions given in Exhibits "R1" and "R2" and "R5" herein.

7. I say that the All Grampanchayats in Mangaon Taluka received reservations by rotation. Since the Sarpanch post in Pansai Grampanchayat was already reserved for a Scheduled Caste Candidate for 2020 to 2025, then same reservation cannot be repeated for next term. The rotation has already covered four Grampanchayats i.e. Vile, Nagaon, Sai & Nijampur are granted Schedule Caste reservation for the Sarpanch post. / further state that the same reservation cannot be allotted for next ten consecutive years to the Scheduled Caste category.

8. While announcing Sarpanch reservation on 15/07/2025, as per sub-section (4) (5) 6) of Mumbai Gram Panchayat (Sarpanch and Upsarpanch) Election Rules, 1964, while determining the Sarpanch reservation for the Scheduled Castes and Scheduled Tribes categories for the period 2010-2015, 2016-2020 and 2021-2025 in descending order of the percentage of population as per the 2011 Census, reservation has been announced for the eligible Gram Panchayats in descending order, excluding the Gram Panchayats reserved earlier for that category. In this, Pansai Gram Panchayat has been announced for the Scheduled Tribes category for the period of 2025 to 2030.

9. The said reservation process was carried out as per Maharashtra Government Gazette Extraordinary Part-4, dated 05/03/2025 (Exhibit "R1"), and Maharashtra Government Gazette Extraordinary Part-4, dated 13/06/2025 (Exhibit "R2"). According to the aforesaid notification, all previous notifications regarding this matter published earlier in this regard have been superseded.

10. I further state that reservations for all Grampanchayats scheduled to hold elections between 2025 and 2030 have now been finalized under new notifications issued on 05/03/2025 and 13/06/2025. Before issuing the order dated 07/07/2025, the District Collector of Raigad requested clarification from the Government regarding reservations for Sarpanch positions in Grampanchayats where elections were not held in 2024. Copy of said letter dated 24/03/2025 is annexed hereto and marked as Exhibit "R6".

11. The Rural Development Department replied in its letter dated 28/03/2025, specified that all previous notifications had been revoked and reservations are now set according to the new notification issued on 05/03/2025 for all Grampanchayats with elections from 2025 to 2030. According to the mentioned notification, all previous notifications regarding this matter have been replaced. Reservations for all Grampanchayats scheduled for elections from 2025 to 2030 are now determined by the new notifications issued on 05/03/2025 and

13/06/2025 Hereto annexed and marked as "Exhibit R7" is the Copy of Letter dated 28/03/2025 issued by the Rural Development Department. Hence reservation for the post of Sarpanch has been announced for the period 2025 to 2030 as per the notification dated 05/03/2025 and 13/06/2025. Even though the elections to the grampanchayat Pansai did not take place during the period of 2020-2025 and the reservation announced for the post of sarpanch for the period of 2020-2025 was not availed by the grampanchayat Pansai, as the Petitioner has not challenged the said notifications which laid down the procedure to be followed while announcing the reservations for the post of sarpanch for the period of 2025 to 2030, the Petition is liable to be dismissed.

By taking into consideration all these facts & Circumstances and by following all the orders, Guidelines and Rules and after completing legal and due procedure, the reservation was granted to Schedule Tribe Candidate in Pansai Grampanchayat for Sarpanch post."

7. We have heard learned counsel for the parties. We find from the record that the Collector Raigad, in the context in hand, had addressed a letter dated 24 March, 2025 to the Additional Collector, Rural Development and Water Conservation Department in regard to the reservation to the post of Sarpanch to the implemented in Raigad District. The contents of the said letter are required to be noted, which reads thus:

(Translation of a photocopy of a LETTER, typewritten in Marathi)

Exhibit – R-6

Collector Office, Raigad-Alibag
General Administration Department
(Near Hirakot Lake, Court road, Alibag, Tal. Alibag,
District Raigad, PIN Code No. 402201.

Telephone No. 02141 – 222118, Fax No. 222025, 227451
E-Mail : tahasildargadraigad@gmail.com

No. Sa.Sha./Desk-1/B-4, Sarpanch Reservation/2025 Date : 24.03.2025

To,

The Under Secretary,
Rural Development and Water Conservation Department,
Government of Maharashtra.

Subject :- Regarding fixing of reservation for the post of Sarpanch of Grampanchayat.

Reference :- 1) Government Gazette, Extraordinary Part IV-B,
dated 05/03/2020.

2) Government Gazette, Extraordinary Part IV-B,
dated 05/03/2025

With reference to the subject noted hereinabove, it is hereby submitted that pursuant to the Notification referred to hereinabove at Sr. No. 2, the reservation for the posts of Sarpanch for the Elections of Grampanchayats in Raigad District the terms of which are expiring, has been notified and fixed for a period of 5 years from the date 05/03/2025 to the date 04/03/2030 as under :-

Total No. of Gram Panchayats	Scheduled Castes		Scheduled Tribes		Backward class of citizens		Open category	
	Open	Women	Open	Women	Open	Women	Open	Women
810	33	17	124	62	219	110	434	217

Previously, pursuant to the Notification referred to hereinabove at Sr. No. 1, the reservation for the posts of Sarpanch for the then total number of 809 Grampanchayats whose terms were expiring during the period from the date 05/03/2020 to 04/03/2025 has been fixed.

However, from out of the said total number of 809 erstwhile Grampanchayats, the terms of 250 Grampanchayats expired by the month of February, 2025; however, General Elections for these Grampanchayats have not yet been conducted. Therefore, if the reservation for the post of Sarpanch for these Grampanchayats is fixed in accordance with the reservation notified under the Notification referred to hereinabove at Sr. No. 2 for the period from the year 2025 to the year 2030, they will be deprived of the benefit of the reservation notified under the Notification at Reference No. 1 for the term from the year 2020 to the year 2025.

Therefore, this Office is of the view that while fixing the reservation for the post of Sarpanch for 810 Grampanchayats for the term from the date 05/03/2025 to the date 04/03/2030, the previously notified reservation for the period from the year 2020 to the year 2025, for the post of Sarpanch in respect of 250 Grampanchayats where the last general elections could not be conducted, should be kept intact and the reservation for the post of Sarpanch should be fixed for the remaining 560 Grampanchayats.

Therefore, it is requested that necessary guidance may be given and approval in this regard may kindly be granted.

(Kishan N. Jawale)
Collector, Raigad”

8. The said letter has been responded by the State Government by its letter dated 28 March, 2025 as addressed to the Collector *inter alia* stating that in regard to the elections to Sarpanch and Upa-Sarpanch under the 1964 Rules, the

Collector is Competent Authority and he would be required to take appropriate decision in that regard and report of the steps taken and compliance would be required to be forwarded to the State Government. The said letter is also required to be noted, which read thus:

(Translation of a photocopy of a LETTER, typewritten in Marathi)
(Ministerial Services)

Government of Maharashtra
Rural Development Department

Bandhkam Bhavan, 25 Merzban Street, Mumbai 400001.
Telephone No. 022-22839924 E-mail : (Illegible)

Number : G.E.-2025/M.No.54/P.R.-2

Date : 28th March, 2025

To,
The Collector,
Alibag-Raigad, Sindhudurg, Dhule.

Subject :- Regarding giving guidance for fixing of reservation for the post of Sarpanch.

Reference :- 1) Your Letter No. G.B./Desk-1/W-4/Sarpanch Reservation / 2025, dated 24.03.2025.
2) Your Letter No.G.B./Desk-1(3)/W-4/Sarpanch Reservation /03/ 2024, dated 24.03.2025
3) Your Letter No. C/Desk-5/G.E./W.S./209/2025, dated 25.03.2025
4) No. Petition-2023/M.No.162/P.R.2, Maharashtra Government Gazette, Extra-ordinary Part Four – B, Extra-ordinary Number 468, Notification dated 25th November, 2024
5) No. G.E.-2025/M.No.13/P.R.2, Maharashtra Government Gazette, Extra-ordinary Part Four – B, Extra-ordinary Number 87, Notification dated 5th March, 2025.

Respected Sir,

In connection with your letters referred to hereinabove at Sr.No.1 to 3 on the above-mentioned subject, your attention is invited towards the Notification referred to hereinabove at Sr.No.5, that has been published. It is explicitly mentioned that all Notifications previously issued in connection with this subject matter are superseded vide this Notification and the present Notification is being published in the Government Gazette for a period of five years from the date of its publication in the Government Gazette.

In accordance with the provisions under the Mumbai Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964, the Collector is the Competent Authority to fix the reservation for the post of Sarpanch, Gram Panchayat-wise, in the district concerned. Therefore, as clarified under the said Notification, you are requested to take necessary further steps at your level and to submit the report of the action taken in that regard to the Government as well as to

the State Election Commission.

(B. M. Asole)
Under Secretary,
Government of Maharashtra.

9. We may also refer that this Court had an occasion to consider the controversy in regard to the applicability of the said rules and more particularly the principle of rotation which would be required to be followed in the proceedings of **Narendra Subhash Pelmahale vs. The State of Maharashtra & Ors.**¹, in which the Court considering the provisions of 2A(4) of the Maharashtra Village Panchayat (Sarpanch and Upa-Sarpanch) Election Rules, 1964 and the statutory scheme surrounding the same, made the following observations:

16. In the facts of the present case, we are of the opinion that any election is a creature of the statute under which it is governed. Thus, having due regard to the fact that the process of reservation of the office of Sarpanch of Gram Panchayat is governed by the provisions of the Act and the said Rules, particularly proviso to Rule 2A (4) thereof, we examine the rival contentions from the said perspective.

17. A plain reading of the provisos to Rule 2A(4) leaves no manner of doubt as to the legislative intent. The first proviso expressly stipulates that the draw of lots in respect of Women belonging to the Scheduled Castes, Scheduled Tribes and the Backward Class of Citizens shall be conducted only amongst those offices of Sarpanch which are already reserved for the respective Scheduled Castes, Scheduled Tribes or the Backward Class of Citizens, as the case may be. Further, the second proviso to the above Rule provides that while rotating such offices in the subsequent elections of the Panchayats, where the said offices were earlier reserved for elections for women (including the women belonging to the Scheduled Caste/Scheduled Tribe and the category of backward class of citizens) shall be excluded in all such Panchayat reservations of offices by rotation. Therefore, the lots could be drawn only in respect of offices of Sarpanchas reserved for the backward class of citizens and the same principle could not be applied for all offices of Sarpanchas of Gram Panchayats as sought to be contended by learned Addl. GP on behalf of the Respondent State. Once this being the case, the principle of rotation as envisaged in proviso to Rule 2A (4) had to be applied for the office of the other Sarpanchas belonging to other Gram Panchayats, which mandates that once for the earlier period the post of Sarpanch is reserved under the women category, for the subsequent period such post had to necessarily filled in by a candidate from the Open (General) category.

1 Writ Petition No. 12576 of 2025 decided on 14 July, 2026

18. Thus, the statutory mandate contained in Rule 2A (4) of the said Rules has not been adhered to by the concerned SDOs' in the present case. The office of Sarpanch of Gram Panchayat, which had already been reserved for the Women category during the immediately preceding term, has once again been reserved for the Women category. This would be in clear disregard of the principle of rotation as per the second proviso to Rule 2A (4). The impugned action, therefore, cannot be sustained.

19. We are also unable to accept the reliance placed by the learned Addl. GP upon the decision of the Supreme Court in Sanjay Ramdas Patil (supra). The said decision arose in an entirely different fact pattern. The issue before the Supreme Court pertained to reservation of the office of Mayor, which had been earmarked for the Backward Class of Citizens for a term of two and a half years commencing from June 2021. The grievance was to the effect that the office, since the year 2003, been reserved only for the Backward Class of Citizens and not for the Scheduled Castes. The Supreme Court was not called upon to interpret the provisions of Rule 2A (4) of the said Rules or the scheme governing reservation of the office of Sarpanch of Gram Panchayat under the Act. The facts of the said case has no relevance to the facts of the present case and hence would not assist learned Addl. GP to advance his case further. Also, we are of the view that drawing of lots which is to be considered in regard to all such seats which are at par, does not change the substantive law, which mandates that rotation for the post of Sarpanch of Gram Panchayat is something which needs to be followed in the Election process of Gram Panchayats.

20. We are further not in agreement with the reliance placed by learned Addl. G.P. on the provisions of Section 30(4)(c) of the Act to contend that if the post of the Sarpanch of Gram Panchayat is not reserved for the women category for the election term from 2025 to 2030 and instead kept for Open (General) Category, the same will defeat the legislative intent to keep 50% reservation for women, inasmuch as the said section only mandates/specifies as to in what manner the reservation for the post of the Sarpanch of Gram Panchayat has to be made. The said section has to be read holistically. Also the proviso to Rule 2A (4) of the Act which categorically provides for rotation to the post of the Sarpanch of Gram Panchayat, cannot be overlooked. Hence by adherence to the requirement of the Rule does not in any way dilute the 50% reservation for women but only prescribes the manner in which the post of the Sarpanch of Gram Panchayat has to be filled in for every successive term. The interpretation thus sought to be placed by learned Addl. GP on the provisions of Section 30(4)(c) of the Act hence cannot be accepted."

10. By making the aforesaid observations, the following operative order was passed in the said petition whereby Minutes of Meeting dated 30 July, 2025 were quashed and set aside.

"21. In view of the aforesaid discussion, we are satisfied that the impugned actions of the respective SDOs are contrary to the provisions of the Act and the Rules and, therefore, deserves to be interfered in the present proceedings. Accordingly, we pass the following order:

ORDER

i) The minutes of the meeting/order dated 30th July 2025 passed by the Sub-Divisional Officer in Writ Petition No. 12576 of 2025 are quashed and set aside. The minutes of the meeting dated 14 May 2026 impugned in Writ Petition No. 8030 of 2026 are also quashed and set aside.

ii) The Collector, Nashik, shall undertake a fresh exercise for determination of reservation of the office of Sarpanch in respect of Gram Panchayat Mouje Pade in Writ Petition No. 12576 of 2025 and Gram Panchayat Kalher in Writ Petition No. 8030 of 2026, strictly in accordance with the provisions of the Maharashtra Village Panchayats Act, 1958 and the Maharashtra Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964 and particularly the provisions of Rule 2A(4) read with the provisos. The Collector shall complete the said exercise and issue appropriate consequential directions by treating the office of Sarpanch in the respective Gram Panchayats as falling in the Open (General) Category, if otherwise permissible in law, within a period of six weeks from the date on which this judgment is uploaded.

iii) Both the Writ Petitions are accordingly allowed and disposed of in the aforesaid terms. No costs."

11. In this view of the matter, we are of the opinion that the Collector has now been held to be a Competent Authority, he would be required to take appropriate decision as already set out in the communication dated 28 March, 2026 by the State Government addressed to the Collector. We, accordingly, direct the Collector to undertake appropriate consideration of the applicability of rules and various Government directives in taking a decision on the reservation to be applied for the post of Sarpanch strictly in accordance with law. Let this entire exercise be concluded within a period of four weeks and in any event, before the elections to the said Grampanchayat are notified, without being influenced by the decision taken previously. All contentions in that regard are expressly kept open.

12. Disposed of in the aforesaid terms. No costs.

(DR. NEELA GOKHALE, J.)

(G. S. KULKARNI, J.)