

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

30 WRIT PETITION NO.2604 OF 2015

SURESH BALIRAM PATANGE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Rakhunde Pravin B
Mr. US Mote, AGP for Respondents: 1, 3 & 5;
Mr. Shelke Shivaji T., Adv. For R/2
Mr. Mukhedkar Amit A., Adv. For R/5

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 8th September, 2015.

PER COURT :

1) Heard. The petitioner is objecting to the notification issued by the Collector on 13.2.2003, directing prescription of reservation of seats in different wards for the purpose of elections to village panchayat, Patnoor, Tq. Ardhapur. The village is divided into three wards and the total number of members required to be elected is nine. Out of total nine members, eight seats have been reserved for reserved categories. The reservation prescribed for the Scheduled Castes category is two; whereas four seats are reserved for Scheduled Tribe category and two seats are reserved for OBC category.

2) The petitioner contends that while issuing the Draft notification on 19.1.2014, one seat was prescribed for Scheduled Castes category in Ward No.1; whereas there was no reservation prescribed for Ward No.3 in favour of Scheduled Castes category.

3) The Collector, on consideration of the objections to the draft notification, proceeded to make certain changes and prescribed one seat for the Scheduled Castes category in Ward No.3, thereby withdrawing/removing the reservation for said category in Ward No.1. The petitioner contends that it was not open for the Collector to make the changes in reserved seats prescribed in different wards.

4) An affidavit in reply has been presented by the Tahsildar at Ardhapur, wherein, it has been stated that the population of Scheduled Castes category in Ward No.1 is 190, whereas the said population in Ward Nos.2 and 3 is 308 and 229 respectively. The population figures are derived after making door to door inspection and enquiry by the concerned Talathi. It is thus stated that since the population of the Scheduled Castes category in

Ward No.3 is more than Ward no.1, reservation has been prescribed in Ward No.3 for the said category.

5) On consideration of the factual data provided by the Tahsildar in his affidavit in reply, we do not deem it appropriate to cause interference in the matter in exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India. The writ petition is devoid of substance and stands rejected.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/