

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

WRIT PETITION NO. 3036 OF 2015

Ramchandra s/o Annasaheb Autey

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.B. Parnere, advocate for petitioner.
Mrs. S.A. Dhumal, AGP for the State.
Mr. S.T. Shelke, advocate for respondent no. 2.

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**CORAM : R.M. BORDE &
V. K. JADHAV JJ.
DATE : 8th APRIL, 2015.**

PER COURT :

1. Petitioner is objecting to reservation of seats in ward no. 2 of Village Panchayat Apegaon. Village Panchayat Apegaon consists of 11 members and the said strength of members is prescribed during 2015 general elections. In the previous election to the Gram Panchayat the strength of members of Village Panchayat was 9 which has undergone change during the recent electoral process. Petitioner contends that the State Election Commission has erred in prescribing two unreserved seats in ward no. 1 whereas no unreserved seat is prescribed in ward no. 2. Placing reliance on proviso to rules 4 and 4(a) of The Maharashtra Village Panchayat (Number of members, Division into Wards and Reservation of Seats) Rules, 1966, the petitioner contends that atleast one seat ought to have been prescribed for unreserved category in ward no. 2.

2. The rules referred to by petitioner do not take into account the post 73rd constitutional amendment change, whereunder 50% of the seats out of total number of available seats are prescribed for women category. There is one seat prescribed for women general category in ward no. 2. there is no legal foundation for the petitioner to contend that atleast one seat for open general category ought to have been reserved from ward no. 2. The allotment of seats to various reserved categories shall be as far as possible within the frame work of the rules. The change brought into existence by the constitutional amendment is not reflected in the rules and as such, the action of the State Election Commission in prescribing reservation for various wards does not deserve to be quashed. Writ petition is devoid of substance hence stands rejected.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

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