

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2699 OF 2015

SITARAM GANGARAM SAPKALE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Brahme Shailesh P.
AGP for Respondents 1 and 2: Mr. S.G. Karlekar
Advocate for Respondent No.3 : Mr. S.T. Shelke

.....

**CORAM : R. M. BORDE AND
V. K. JADHAV, JJ.**

DATED : 27th MARCH, 2015

P.C. :-

1. The petitioner is raising objection as regards the reservation and rotation of seats for Scheduled Tribe category for the purpose of election to village Panchayat Phupnagari, District Jalgaon. It is contended that while publishing draft notification, the seat was prescribed for Scheduled Tribes category for Ward No.1 whereas while publishing the final notification, the said seat has been transferred to ward No.2. It is contended that as per the previous census figures, there is no Scheduled Tribe population in ward No.2 and as such prescription for reservation of ward No.2 is erroneous.

2. Learned counsel appearing for the State Election Commission points out that as per the latest census figures, ward No.2 consist of

78 voters from S.T. category whereas ward No.1 consist of 83 voters of the said category. Since the seat of S.T. category was prescribed during previous general elections, the same is rotated and reservation is prescribed for S.T category in ward No.2. There does not appear to be any illegality in prescribing the reservation of seat for S.T. category in ward No.2.

3. In view of the above, there is no merit in the petition and petition stands rejected.

(V. K. JADHAV, J.)

(R. M. BORDE, J.)

rlj/