

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2970 OF 2015

Sureshchandra Vishwasrao Holkar

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.S.B. Parnere advocate for the petitioner

Mrs. S.A.Dhumal, AGP for Respondent No.1 & 3

Mr. S.T. Shelke advocate for respondent No.2 & 4

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CORAM : R.M. BORDE &
V.K. JADHAV, JJ

Dated : 23rd April, 2015.

PER COURT :-

1 The petitioner is objecting to the prescription of reservation of seats for OBC category, during the general elections of the village Panchayat Kambi.

2 The petitioner contends that, the State Election Commission ought to have prescribed reservation of one seat for OBC woman category, in ward No.3. It is contended that, there are three seats admissible in ward No.3, out of which only one seat is earmarked for OBC general category and considering the percentage of

representation of women in the village Panchayat, one more seat ought to have been reserved for OBC woman category in ward No.3.

3 The contention raised by the petitioner is unacceptable, for the reason that, the State Election Commission, in accordance with the relevant Rules is obliged to provide 50% reservation for woman category and the same has been prescribed under order dated 12.1.2015. The percentage of 50% is not required to be maintained in each of the wards and in each of the reserved categories. However, the total percentage of 50% has to be maintained in accordance with The Bombay Village Panchayats (Number of Members, Divisions Into Wards & Reservation of Seats) Rules, 1966. Reliance is placed on rule 4-B(2), which prescribes that, once seats are reserved in the appropriate wards for women belonging to the Scheduled Castes, Scheduled Tribes or the category of Backward Class of citizens, then the remaining seats for women shall be reserved in the different wards by drawing lots.

4 In the instant matter, after prescription of reservation for reserve category, by draw of lots, the reservation for woman has been prescribed, which according to us, is in consonance with Rule 4-B(2) of the Rules of 1966. During the general elections of 2010,

a seat was prescribed for women OBC category, in ward No.3, which has been rightly prescribed for general OBC category, during the instant elections.

5 There is no substance in the petition.

6 Petition stands rejected.

(V.K. JADHAV, J)

(R.M.BORDE, J)

vbd