

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3622 OF 2015

Balasaheb Sambhaji Khillare & another

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr.P.M. Gaikwad advocate for the petitioners

Mrs.S.A. Dhumal, AGP for Respondent No.1, 3 & 4

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

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

Dated : 23rd April, 2015.

PER COURT :-

1 The petitioner is making grievance, in respect of failure of State Election Commission to provide reservation for scheduled caste (SC) category, during the Village Panchayat Elections scheduled to be held in the year 2015.

2 It is contended that, the population of SC persons in the village is far more than what is reflected in the census data. During the census survey, conducted in the year 2001, the population of the SC individuals in the village was found to be 254, which is shown to be 53 in the year 2011. The petitioner contends that, there is no migration of the population from the village. It is contended that, the State Election Commission has committed a grave error in not prescribing a seat for SC category in the election.

3 Learned counsel appearing for State Election Commission Shri ST Shelke states that, in view of the provisions of the Rules, the census figures of the year preceding the general elections, shall be the basis for prescribing reservation of the seats. The population of SC category people, in the village is 53, which comes to 0.33% of the total population. Seat for a particular category becomes available, if the population is above 0.5% out of the total population of the village. Since the population of the SC category is below 0.5%, the seat does not become available for the said category.

4 In view of the explanation tendered, the grievance raised by the petitioner, in the instant petition does not deserve consideration. Writ Petition stands dismissed.

5 It would be open for the petitioner to approach the appropriate authorities for correcting the mistake occurring in the census data, if any.

(V.K. JADHAV, J)

(R.M.BORDE, J)