

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6111 OF 2015

Gotiram s/o Naru Pawara

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.P.R.Katneshwarkar, advocate for the petitioner
Mr.S.G.Nandedkar, A.G.P. for Respondents No.1 to 3.
Mr.S.T.Shelke, advocate for Respondent No.4.

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

DATE : 21st July, 2015

PER COURT:

1 It is not a matter of dispute that no seat is prescribed for OBC category from amongst elected members and all the seats in the village panchayat are reserved for Scheduled Tribe category since the village is included in scheduled area.

2 While drawing lots in respect of reservation of posts of *Sarpanch* and *Upa-Sarpanch*, post of *Sarpanch* is prescribed for OBC category. It is not a matter of dispute that OBC category member is not available in the village panchayat and the post shall naturally go to Scheduled Tribe category. Sub-rule (4A) of Rule 2-A of the Bombay Village Panchayats (*Sarpanch* and *Upa-Sarpanch* Election) Rules, 1964, takes care of such contingencies.

3 A statement has been made in the affidavit-in-reply

presented on behalf of Respondents No.1 to 3, that appropriate decision will be taken in consonance with sub-rule (4A) of Rule 2A of the Rules of 1964.

4 Writ petition stands disposed of by issuing directions to the Respondent-authorities to hold elections for *Sarpanch* and *Upa-Sarpanch* of the village panchayat in observance of procedure laid down in sub-rule (4A) of Rule 2A of the Bombay Village Panchayats (*Sarpanch* and *Upa-Sarpanch* Election) Rules, 1964.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE