

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6176 OF 2015

Gurunath s/o Mahadev Kbadе
and another

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr.D.A.Bide, advocate for petitioners.

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 The petitioners are objecting to the rotation of reservation for conducting election of Sarpanch of Village Andur, Tq. Tuljapur, District Osmanabad.

2 It is the contention of petitioners that the seat of Sarpanch was reserved for OBC category in 1995, whereas, same was reserved in favour of Scheduled Tribe category in 2000. In the years 2005 and 2010, the post of Sarpanch was reserved for Open General category and Open General Women category, respectively and in the year 2015, the seat is prescribed for OBC women category. The petitioners contend that prescription of reservation in favour of women category is contrary to proviso to sub-rule (4) of Rule 2-A of the Bombay Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964.

3 It must be kept in mind that the Rules are framed in the year 1964 and amended from time to time up to 16.12.1998. The reservation in favour of women to the extent of 50% is prescribed at later point of time. Since reservation for women category is to the extent of 50%, obviously the seat shall have to be prescribed for women category frequently. The Rules shall have to be read in consonance with the provisions of the Act. In our view, no interference is called for in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. Writ Petition is devoid of substance.

4 Writ Petition stands dismissed.

P.R.BORA
JUDGE

adb/wp617615

R.M.BORDE
JUDGE