

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6577 OF 2015

...
DNYANESHWAR APPARAO MAGHADE
VS
THE STATE OF MAHARASHTRA AND ORS.

...
Mr. Sunil P.Sonpawale, Adv. For petitioner'
Mr.SG Karlekar, AGP for Respondent Nos. 1 & 3;
Mr. ST Shelke, Adv. For Respondent No.4.

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

DATE : **16th JULY, 2015.**

PER COURT :

1) Heard. The petitioner is praying for a direction to the respondents to allot one post of member belonging to Scheduled Tribe (Women) category by rotation for election 2015-2020 of Brahmangaon Gram Panchayat, Tq. Jintor, District Parbhani.

2) The order of delimitation of wards has been passed on 29.1.2015 and out of seven seats, two are earmarked for OBC category and one for OBC (women) category; whereas two seats are prescribed for scheduled castes.

3) The petitioner contends that at the stage of drawing of lots for prescribing reservation of seat for Sarpanch, the post of Sarpanch has been earmarked for ST category. However, since there is no reservation provided for ST category, the petitioner contends that the order of delimitation of wards is proper and correct and a seat shall have to be prescribed for ST (Women) category, following the norms relating to reservation of seats.

4) The counsel appearing for the State Election Commission, on instructions, informs that the total population of the village is 1418; whereas the population of ST category is only 83. There are seven seats admissible in the panchayat. Considering the formula prescribed for reservation of seats, the admissible percentage is only 0.4; whereas the requirement is prescribed at 0.5. In this view of the matter, since the seat for scheduled tribe category is not admissible, considering the population of the said category in the village, the prayer made by the petitioner in the instant petition does not deserve consideration. So far as reservation for the post of Sarpanch, prescribed for

ST category, is concerned, proper care can be taken in observance of Rule 2-A, sub-rule (4-A) of The Bombay Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964. Apart from this, as has been pointed out, the process of election has been set in motion and stage of acceptance of nomination forms has already been commenced w.e.f. 13th July, 2015. For the reasons recorded herein above, the petition does not deserve favourable consideration and the same stands dismissed.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/