

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7119 OF 2015

Machindra s/o Motiram Pawar

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mrs.A.M.Kulkarni, advocate for the petitioner

Mrs.A.V.Gondhalekar, A.G.P. for Respondents.

Mr.S.T.Shelke, advocate for State Election Commission.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 15th July, 2015

PER COURT:

1 The petitioner is objecting to the division of wards and prescription of reservation of seats for various categories.

2 According to the petitioner, although at the draw of lots for prescribing reservation for the post of Sarpanch, said office is prescribed for Scheduled Tribe category, during general elections for electing members of village panchayat, no reservation is prescribed for the said category.

3 The petitioner contends that population of the Scheduled Tribe category person in the village is 45, whereas, total population of the village is 390. Taking into consideration the formula prescribed under the Rules for prescribing reservation of seats, reservation of seat in favour of Scheduled Tribe category does not become admissible.

4 So far as reservation of the office of Sarpanch is concerned, appropriate steps can be taken after holding of general elections by the State Election Commission in accordance with Sub rule (4-A) of Rule 2-A of the Bombay Village Panchayats (Election of Sarpanch and Upa-Sarpanch Election) Rules, 1964. Writ Petition is devoid of substance.

5 For the reasons stated above, writ petition stands dismissed.

P.R.BORA
JUDGE

adb/wp711915

R.M.BORDE
JUDGE