

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

Writ Petition No. 8383 of 2015

1. Venkati Ganpati Gajbhare,
Age : 57 years,
Occupation : Member
of Grampanchayat.
2. Shankar Kaknaji Sawle,
Age : 56 years,
Occupation : Labour.
3. Madhukar Bhujangrao Gajbhare,
Age : 62 years,
Occupation : Labour.
4. Ramchandra Rohidas Gajbhare,
Age : 58 years,
Occupation : Private Service.

All above R/o. At post Wajegaon,
Taluka & District : Nanded.

.. Petitioners.

versus

1. The Collector,
Collector Office,
Nanded.
2. The Tehsildar,
Tehsil Office,
Nanded.
3. The State Election Commission,
Mumbai.
4. The Sarpanch,
Grampanchayat Office,
Wajegaon,
Taluka & District : Nanded.

.. Respondents.

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Mr. S.S. Kazi, Advocate, for the petitioners.

*Mr. S.G. Karlekar, Assistant Government Pleader, for
respondent nos.1 and 2.*

Mr. S.T. Shelke, Advocate, for respondent no.3.

Mr. Mohd. Wasimullah, Advocate, for respondent no.4.

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**CORAM : R.M. BORDE &
A.M. BADAR, JJ.**

DATE : 15TH SEPTEMBER 2015

ORAL ORDER *(Per R.M. Borde, J.) :*

1. Heard learned Counsel for respective parties.
2. The petitioners are praying for issuance of directions to the respondents, for prescribing four seats in favour of candidates belonging to Scheduled Caste category in elections of Grampanchayat, village Wajegaon [Taluka & District : Nanded]. According to the petitioners, during 2005 and 2010 elections, four seats were reserved for the aforesaid category. However, those have been reduced to one for the elections of the said Grampanchayat scheduled to be held in 2015. The petitioners contend that although large number of population belong to Scheduled

Casete category in the said village, many persons have been shown to be belonging to other castes in the census data and the mistake committed while recording census figures has resulted in reducing the number of seats for Scheduled Caste category in the elections to the Grampanchayat.

3. The petitioners have not objected to the census date nor tendered any application for effecting corrections in the census figures, nor substantiated their contentions by producing census data of the preceding census. The petitioners have relied upon caste certificates of some individuals whose names have been recorded in the census data as belonging to castes other than Scheduled Caste category, whereas they actually belong to Scheduled Caste category, according to the petitioners.

4. It is not necessary for this Court to entertain the challenge based on appreciation of facts. The learned Counsel appearing for the State Election Commission points out that the total population of the village is 9772, whereas population of Scheduled Caste category, as per 2011 census, is 564. As per the regulation and mandate of law, prescription of seats for reserved category shall be in proportion with the population figures of the same category reflected in the census data of the preceding census. The State authorities are bound to take into

consideration the population figures of the preceding census and any challenge to such census figures cannot be entertained unless it is demonstrated that the petitioners had applied for corrections in the census figures before appropriate authority and unless corrections are made.

5. It is the contention of the State Election Commission, that for population of 564 Scheduled Caste category persons, out of total population of 9772 persons, only one seat is admissible which has been prescribed in accordance with law.

6. In that view of the matter, we do not find any infirmity with the decision taken by the respondent - State Election Commission in respect of reservation of seats for elections of the said Grampanchayat.

7. The petition is devoid of merits and the same is rejected.

(A.M. BADAR)
JUDGE

(R.M. BORDE)
JUDGE

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