

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

14 WRIT PETITION NO.9141 OF 2015

SAVITA KISAN KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Doke (Renge) Satyavati
Mr. SG Karlekar, AGP for Respondents: 1 to 4;
Mr. ST Shelke, Adv. For Resp.No.5.

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

DATE : 8th September, 2015.

PER COURT :

1) Heard. The petitioner is objecting to the prescription of reservation for the post of Sarpanch in favour of Scheduled Castes (Women) category. It is pointed out that while drawing the lots in respect of reservation of seats in different wards, no seat is prescribed for Scheduled Castes (Women) category; whereas in Ward No.1, only one seat is prescribed for Scheduled Castes and General category. It is further pointed out that while drawing the reservations for the post of Sarpanch and Up-Sarpanch under the Bombay Village Panchayats (Sarpanch and Up-Sarpanch)

Elections Rules, 1964, the post of Sarpanch has been prescribed for Scheduled Castes (Women) category.

2) The petitioner contends that since there is no candidate elected from amongst the Scheduled Castes (Women) category, reservation shall have to be re-drawn for the post of Sarpanch. In any case, second proviso to Rule 2A(4A) of the Rules of 1964 takes care of such contingency/situation. In the event of non-availability of a woman candidate belonging to Scheduled Castes or Scheduled Tribes, the seat shall have to be prescribed for Scheduled Castes or Scheduled Tribe category. In the instant matter, the petitioner herself belongs to Scheduled Castes category and is a woman. Even though while prescribing the reservation of seats and while issuing order of delimitation of wards, seat is not prescribed for Scheduled Castes (Women) category, since the petitioner herself is elected from amongst the Scheduled Castes (Women) category, she can contest the election for the post of Sarpanch and in such situation, there would be no necessity for re-drawing the lots under the Rules of 1964. Since the situation within contemplation of proviso to sub-

rule(4A) of Rule 2A of the Rules of 1964, does not occur in the instant matter, the writ petition does not deserve consideration and the same stands rejected.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/