

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7896 OF 2015

Gorakh Joti Chopade ... Petitioner

V/s.

State Election Commission & Ors. ... Respondents

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Mr. Purushottam G. Chavan a/w. Mr. Rajesh Jadhav, Advocate for the Petitioner.

Mr. S. B. Shetye, Advocate for Respondent No.1.

Mr. P. P. Kakade, AGP for the Respondent - State.

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**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : SEPTEMBER 11, 2015.

P.C.

The petitioner challenges the division of wards and reservation of seats drawn for the ensuing Gram-Panchayat election. Admittedly, in the last elections held on the basis of 2001 census figures, seven seats were to be elected from three wards. In the present elections based on last 2011 census figure, nine members are to be elected from three wards. Each ward would represent three members. In the last election in ward nos.1 to 3, and from ward nos.2 and 3 one seat was reserved for OBC category. Due to increase in population, this time the

Election Commissioner while reserving the seats added one woman OBC seat in ward no.3 and one OBC in ward no.1.

2 The learned counsel submits that in accordance with the Maharashtra Village Panchayat (Number of Members, Division into wards and Reservation of Seats) Rules, 1966, the reservation shall be rotated. Reliance is placed on the provisions of Rules 4A and 4B of the said Rules. Counsel submits that this time woman OBC reservation shall be made applicable to ward no.1.

3 Affidavit-in-reply has been filed by the Election Commissioner. We have heard the submissions of the learned counsel for the respective parties.

4 The learned counsel appearing for the Election Commission submits that for the first time 50% seats of the Gram-Panchayat were reserved for women out of which for the first time, women OBC seats have to be reserved. The seats were further rotated and accordingly, the OBC seats was reserved in ward no.1.

5 In view of the explanation given and the reply filed, we are not inclined to interfere in this petition. We are informed that the Election programme has not been declared, so far. The Petition is dismissed.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)

CERTIFICATE

Certified to be true and correct copy of the
original signed order.