

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

W.P.No. 3661 of 2015

Pramod Uttamrao Dhakade vs. The State of Maharashtra and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. S.D.Dharaskar, Advocate for petitioner.

Mr. S.M.Ghodeswar, AGP for R-1 and 2.

CORAM: B.R.GAVAI & INDIRA K. JAIN, JJ

DATE : 2.7.2015

The contention of the petitioner is that after the death of the candidate belonging to Scheduled Tribe (woman) category, the post ought to have been reserved for the candidate belonging to General Woman Category.

Initially the post of Sarpanch was reserved for Scheduled Tribe (Woman) category. However, during the subsistence of her tenure, she died. Thereafter, the reservation has been provided for Scheduled Tribe category. The contention of the petitioner is without substance. Second proviso to sub rule 4(A) of Rule 2 (A) of the Bombay Village Panchayats (Sarpanch and Upa Sarpanch) Election Rules, 1964 clearly provides that if the post is reserved for

Scheduled Tribe (woman) category and if said candidate is not available, then the reservation should be provided for Scheduled Tribe category. In that view of the matter, no case is made out for interference. Petition is rejected.

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