

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

WRIT PETITION NO.4862/2015

Dr. Jyotsna w/o Dilip Kumre

...Versus...

The State of Maharashtra, Through its Secretary of Rural Development
Department, Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri B.W. Patil, Advocate for petitioner
Shri A.S. Fulzele, AGP for respondent nos.1 to 3

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 09.09.2015

By this petition, the petitioner seeks a direction to the respondents to initiate the process to fill the vacant post of Chairman of Panchayat Samiti in Nagpur District as early as possible. A direction is also sought to the respondents to redistribute and re-notify the reservation for the office of Chairman of Panchayat Samiti to be reserved for the Scheduled Tribes in Nagpur District.

The petitioner is elected from the Electoral College 99 – Pachgaon in Panchayat Samiti, Umrer, District Nagpur that was reserved for the Scheduled Tribes (Women). According to the petitioner, Smt. Kundatai Kangale, who was elected on the seat reserved for the Scheduled Tribes was disqualified from holding the seat and the seat has become vacant. It is stated that if the seat in Panchayat Samiti, Bhivapur is not filled immediately, the

representation of the elected candidates from the Scheduled Tribes would not be as per the reservations, declared on 25.8.2014. The petitioner has, therefore, sought a direction to the respondents to hold and declare the election to fill the vacancy in Bhivapur Panchayat Samiti immediately.

On hearing the learned Counsel for the petitioner, it appears that the petitioner would have no *locus standi* to file the petition. The petitioner is elected on a seat reserved for the Scheduled Tribes (Women) in Panchayat Samiti, Umrer. The learned Counsel for the petitioner has not pointed out as to how the vacancy of the seat in Panchayat Samiti, Bhivapur has affected the petitioner and as to why it would be necessary to hold the elections to Panchayat Samiti, Bhivapur. We do not find on hearing the learned Counsel for the petitioner that any right of the petitioner is affected by the vacancy caused in the seat in Panchayat Samiti, Bhivapur on the disqualification of Smt. Kundatai Kangale.

In the aforesaid circumstances, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE