

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3762 OF 2015

MOHAMMED NASERUDDIN SIDDIQUI MOHAMMED NIZAMUDDIN SIDDIQUI AND
OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. Uday D. Dalvi, Adv. h/f. Mr. Zia Ul Mustafa
AGP for Respondents: Miss S.S. Raut.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 12TH JULY , 2016.

PER COURT:

1] Learned counsel for the petitioner submits that the petitioners are the persons possessing disability and are covered by the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. According to learned counsel, since the year 2005, the petitioners are making representations to the authorities for 3% reservation in the election of local bodies. 3% reservation provided in education, employment and in respect of other affirmative action should also be extended for elections to the local bodies. Though consistent representation are given, no action is taken in that regard.

2] We have heard the learned AGP as well.

3] The State will have to legislate if it wants to provide reservation in the elections of the local bodies to the person with physical disabilities. It is for the State and its authorities to take a decision in that

regard and it would not be within the ambit and purview of the jurisdiction of this Court. If a provision exists, then, this Court can direct implementation of the same. However, in absence of any provision in that regard, it would not be possible to accede to the request made by the petitioner. The petitioner if he so chooses, may approach the State Legislature in that regard.

4] In the light of the above, Writ petition is accordingly disposed of. No costs.

[K.K. SONAWANE]
JUDGE

grt/-

[S.V. GANGAPURWALA]
JUDGE.