

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3392 OF 2013

GITA ASARAM INDALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. A.B.Kale
AGP for Respondents 1,3 and 4 : Mr. S.M. Ganachari.
Advocate for respondent Nos. 2 and 6 : Mr. S.T. Shelke.

**CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 13TH JUNE , 2016.**

PER COURT:

1] We have heard Mr. Kale, learned counsel for the petitioner. According to learned counsel, reservation policy has not been adhered to as per Section 10(2) of the Maharashtra Village Panchayat Act, 1958. Reservation has to be made by the State Election Commission in the prescribed manner before elections are held. Reservation for the post of Sarpanch and Upasarpanch has been made on 10th April, 2013 i.e. much after the elections for the post of member of the Gram Panchayat had taken place. Same is not in consonance with the provisions of the statute. Even the reservation for the post of member of the Gram Panchayat has been done after the election programme has been declared. Same is impermissible.

2] We have also heard Mr. S.T. Shelke for State Election Commission and learned AGP for State.

3] Elections for the post of members of Gram Panchayat, Sarpanch and Upasarpanch has been held in the year 2013. In the petition, it is not pointed out as to how the reservations which were made were improper i.e. whether the reservation for the post of SC, ST, Women etc. were not proper.

No such details are appearing in the petition. Petition is filed after the elections for the post of Members of the Gram Panchayat were already held and initially the petitioner had challenged the notice with regard to the election of the Sarpanch and Upa Sarpanch only. Reservation for the post of Sarpanch and Upa sarpanch are scheduled in the letter dated 10th April, 2013 (Exhibit - I).

4] Elections have been held more than 3 years back. It is also not pointed as to how reservation for any category has not been properly provided for. Considering the above, we are not inclined to entertain the writ petition. Writ petition is accordingly disposed of. No costs.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-