

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.5944 OF 2016

Usha w/o Abbasaheb Ranpise

Petitioner

Versus

The State of Maharashtra & another

Respondents

Mr.S.S.Kazi, advocate for the petitioner.

Mr.A.B.Girase, Government Pleader for Respondents.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 09th June, 2016**

PER COURT:

1 The petitioner is objecting to the Notification issued in May 2016 by the Collector prescribing reservation for the post of Sarpanch of village Mamdapur in favour of General category.

2 According to the petitioner, prescription of post of Sarpanch during earlier draw of lots prior to holding of elections was in favour of Scheduled Tribe (General) category and as such, it was not permissible for the Collector to change the reservation and prescribe same for different category. According to the petitioner, mandate of Rule 2(4-A) of the Bombay Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964, has not been observed and as such, the order, prescribing the post in favour of General category for the post of Sarpanch, is unsustainable.

3 Learned Government Pleader, appearing for the State, informs that separate village Mamdapur is formed after bifurcation of Group Gram Panchayat consisting of villages Agar Kanadgaon

and Mamdapur. It is contended that bifurcation of Group Gram Panchayat has taken place in the month of April 2016 and village Mamdapur is declared as an independent village. The reservation prescribed for Group Gram Panchayat earlier in respect of post of Sarpanch will not apply to an independent Gram Panchayat of village Mamdapur after bifurcation of Group Gram Panchayat. It is also pointed out that reservation for the post of Sarpanch for village Agar Kanadgaon is maintained for Scheduled Tribe category.

4 Considering the facts disclosed as above, according to us, Rule 2(4-A) of Bombay Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964, will have no application in this case and the Collector was justified in prescribing reservation in favour of General category.

5 Petition is devoid of substance. Hence, stands dismissed.

K.L.WADANE
JUDGE

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R.M.BORDE
JUDGE