

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 2 OF 2016

Shivaji s/o Limbaji Deotale

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.P. Kadam, advocate for petitioner.

Mr. A.B. Girase, GP for the State.

Mr. S.T. Shelke, advocate for respondent no. 2.

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CORAM : R.M. BORDE &

A.I.S. CHEEMA, JJ.

DATE : 7th JANUARY, 2016.

PER COURT :

1. Petitioner has raised a grievance that in a newly constituted Village Panchayat for village Dorli, Tq. Bhokar, Dist. Nanded, there is no elected candidate representing OBC (women) category, however, the post of Sarpanch is earmarked for the aforesaid category. This fact has not been controverted by respondents.

2. The situation arising in the matter is covered by provisions of rule 2A (4A) of Bombay Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964. The aforesaid provision provides that Notwithstanding anything contained in these rules, if the office of the Sarpanch is reserved for the Scheduled Castes, or the Scheduled Tribes or, as the case may be, the category of Backward Class of citizens (including Vimukta Jatis and Nomadic Tribes) and no elected member belonging to such Castes, Tribes or

as the case may be, the category of Backward Class of citizens is available, then such office for the same tenure shall be allotted by draw of lots to any of the categories for which the office of the Sarpanch may be reserved under Section 30 of the Act.

3. Learned GP on instructions informs that the authorities would adopt appropriate procedure in accordance with provisions of rule 2A (4A) of the Rules of 1964.

4. In view of above, the grievance raised by petitioner in this petition stands redressed. Writ petition stands disposed of.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

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