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

WRIT PETITION NO. 6678 OF 2015

(Sau. Ujjwala Abhay Deshmukh vs. The State of Maharashtra thr. its Rural Development Department & Ors.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's Orders.	Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
MARCH 18, 2016.

Shri Patil, learned counsel for the petitioner and Ms. Rane, learned AGP for respondent Nos. 1 & 2.

Shri Patil, learned counsel submits that if the reservation is rotated in terms of provisions of Rule 2A clause 4A of Bombay Village Panchayats (Sarpanch And Up-Sarpanch) Election Rules, 1964 (hereinafter referred to as the Rules), and the necessary steps are taken in time bound manner, the petitioner has no objection.

The learned AGP points out that the respondents have not given any instructions about the time required for completing these steps.

Shri T.S. Deshpande, learned counsel holding for Shri Firdos Mirza, learned counsel, who appears for the elected Up-Sarpanch, is seeking time to file intervention application. According to him, as Up-Sarpanch is already elected, there is no urgency in the matter.

The provisions of the Bombay Village Panchayats (Sarpanch And Up-Sarpanch) Election Rules, 1964 are very clear.

The post of Sarpanch if reserved, needs to be filled in, in the manner prescribed in clause 4A of Rule 2A of the Rules. The reservation being in public interest and constitutional issue, needs to be achieved at the earliest.

The respondents, therefore, to initiate necessary steps and to fill in the post of Sarpanch from the category as stipulated in clause 4A (supra) within a period of two months from today.

Writ Petition is disposed of accordingly. However, there shall be no order as to costs.

JUDGE **JUDGE**

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