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

**WRIT PETITION NO. 11332 OF 2016
WITH CA/16293/2016 IN WP/11332/2016**

**RATNAKAR VISHWANATH BADA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**Advocate for Petitioner : Ambhore M.M.
AGP for Respondents: Mrs.A.V.Gondhalekar
Mr.V.S.Palshikar for R.5.**

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 09/08/2017

PER COURT :-

The petitioner had challenged the notification prescribing reservations of the Other Backward Category [for short OBC] for the post of Police Patil, so also the advertisement issued inviting applications. The Tribunal dismissed the Original Application. Aggrieved thereby, the petitioner has approached this Court.

2] Mr.Ambhore, the learned counsel for the petitioner states that initially, notification dated 19/01/2016 was issued. In the said notification, village Palshi, Tq.Sillod was shown as meant for open category. Nobody raised any objection for Palshi being shown as meant for open category. Subsequently, on 27/01/2016, fresh

notification was issued. In the said notification, village Palshi is shown to have been reserved for OBC. The learned counsel submits that the petitioner filed Original Application, challenging the said notification. Subsequently, advertisement was issued inviting applications for the post of Police Patil as per the reservations shown in the notification. By an amendment, petitioner challenged the said advertisement also. The learned counsel submits that the Government Resolution issued in this regard has also not been followed. The Government Resolution dated 16/10/2008 specifically lays down that the villages with the highest number of population of a particular category have to be reserved for that category. Village Mangaon has 38% population of OBC, still the same is shown to have been kept for open category. Large scale illegalities have been committed. Even the village Varud Khurd, which was also initially reserved for OBC, as OBC population is of 12.47% but the same is shown for open category. The OBC population of Palshi is only 12.12%. The same could not have been meant for OBC.

3] The learned AGP submits that the notification dated 19/01/2016 was issued considering 2015 census, but while considering the population, the 2011 census is to be followed. Objections were received to that effect from various villages and as such considering the said objections, fresh notification was issued on

the basis of 2011 census.

4] We have considered the submissions and have also gone through the order passed by the Tribunal. The proposition put forth in the Government Resolution of the year 2008 need not be dilated, same is the settled proposition. It appears that village Mangaon had population of OBC of about 38% as per the 2015 census but there is nothing on record to show the OBC population as per 2011 census. The person elected from Mangaon is also not before the Court. Moreover, if the notification dated 27/01/2016 is perused, it is abundantly clear that there are atleast five villages who have OBC population less than OBC population of Palshi village and still those seats are reserved for OBC. Even if one or two villages population is considered to be more than that of Palshi village, with regard to OBC, still the petitioner would not be benefited, as five villages have OBC population less than population of Palshi village and which are reserved for OBC. Even persons selected as Police Patil from OBC category from those villages are also not before the Court.

5] Considering all the aforesaid conspectus of the matter, the case of the petitioner cannot be considered. Writ Petition as such, is dismissed. No costs.

6] In view of disposal of Writ Petition, Civil Application also stands disposed of.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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