Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14126 OF 2016

Shri Basavraj Sidhgonda Patil .. Petitioner
Vs.
The State Election Commission and ors. .. Respondents

Mr.A.D.Sale, for the Petitioner
Ms.Shreya Jadhav i/b Mr.S.B.Shetye, for Respondent No.1.
Mr.N.P. Deshpande, Addl. G.P. for State.

CORAM : NARESH H. PATIL &
M.S.KARNIK, JJ.

13th JANUARY, 2017

P.C. :

. The petitioner raises various issues. Firstly, in the election of year 2012, there were 62 seats allotted to the Zilla Parishad, Sangli. There were 7 seats reserved for SC category. Out of that, 4 seats were reserved for SC woman. The State Election Commission reserved 4 seats for SC woman instead of 3 seats.

2. Second issue is raised in respect of formation of the

ward and reservation of the seats. According to the learned Counsel, reservation and allocation of the seats in the ward must be done first and ward formation must be done afterwards.

3. Third issue is in respect of jurisdiction of this Court.

4. Another issue raised is in respect of rotation of the seats for women.

5. The respondents have filed affidavit-in-reply. In paragraph 13, reads thus:

> "I say that SEC has fixed 7 no of seats to be reserved for SC category in Z.P. Sangli as per the S.C. population in said Z.P. jurisdiction, i.e. to say that the total population of Sangli Z.P. jurisdiction is 20,15800 as per 2011 census and a total of 60 Z.P. seats are fixed on the basis of population by the Election commission. The Seats are fixed proportionate to the population. in that proportion the number of seats permissible for S.C. category comes to 7 as the total population of SC category in Sangli Zilla Parishad jurisdiction is 2,40751 as per 2011 census. Out of these 7 seats, 50% seats are to be reserved for women as per Maharashtra Z.P. and P. S. Act 1961 section 12(2). Hence, the number of seats to be reserved for S.C. woman category comes to 3.5 = 4 seats. The petitioner's contention that this number should come to 3 instead of 4 is wrong as it will be less than 50% norm, which is against the law, Hence this contention is denied."

6. The communication made by the Election Commission on 11/01/2017 is also placed on record which specifies the election programme to be declared in phase I and phaze II for Zilla Parishad. It is taken on record. Learned Counsel appearing for the respondents submits that issue as to whether reservation in the ward must be settled first and thereafter ward shall be formed has already been decided by this Court in Writ Petition No. 6852 of 2016.

7. Taking into consideration the explanation submitted and material placed on record and the fact that elections have been declared on merits, we are not inclined to interfere in the matter. Writ Petition is dismissed.

(**M.S.KARNIK, J.**) **(NARESH H. PATIL, J.)**