

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.44584 OF 2017

ORDER:

This writ petition is filed challenging the memo No.1005736/A4/2017 issued by respondents 2, 4 and 5 for appointing ward member temporarily as Sarpanch by virtue of powers conferred under Section 26(3) of Panchayat Raj Act.

Learned counsel for the petitioner submits that post of Sarpanch is reserved for SC category in general elections and Sarpanch passed away on 27-05-2016 and Upa-Sarpanch who acted as President also passed away. Instead of conducting elections as envisaged under Section 14(3) of the Act, steps are being taken for appointment of Sarpanch. The petitioner being scheduled candidate among ward members, she should have been selected as Sarpanch.

On the other hand, learned Assistant Government Pleader for Panchayat Raj submits that Section 26(3) of the Act does not envisage appointment of petitioner as Sarpanch directly, it is for the Commissioner to take decision on such appointment.

In this case it is to be seen that, it is only notice for making appointments under Section 26(3) of the Act. As on today, no appointments are made even according to the petitioner. Even Section 26(3) of the Act does not envisage appointment of only scheduled candidate in the absence of Sarpanch and Upa-Sarpanch, it is for the Commissioner to take decision under Section 26(3) of the Act, if appointment is not already made. It

is open for the Commissioner to consider the above aspect in appointing Sarpanch.

With the above direction, the writ petition is disposed of.
No order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

02-01-2018

Nvl



