

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

**WRIT PETITION NO.1532 OF 2019**

**VIJAYKUMAR CHHAGANRAO SARODE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

Ms. Fatema S. Kazi, Advocate for the petitioner.  
Mr. V.S. Badakh, AGP for respondent/State.

**CORAM : PRASANNA B. VARALE &  
S.M.GAVHANE, JJ.**

**DATED : 04.02.2019**

**P.C. :-**

1. Heard learned Counsel for the petitioner. The basic prayer in the petition is as under :-

"B) By issuing an appropriate writ, order or direction, the respondents be directed to reserve the seat from Phulambri Legislative Assembly Constituency for Scheduled Caste category candidate."

2. The submission is that the petitioner who himself belongs to Scheduled Caste category is desirous to contest the election in upcoming Legislative Assembly Elections, scheduled in April, 2019 from Phulambri Legislative Constituency. It is then submitted in the petition that the petitioner had approached the said

authority raising his demands as there was no positive response. The petitioner approached the District Collector, Aurangabad. Perusal of the documents placed on record shows that the petitioner by taking recourse to the Right to Information Act, submitted an application to the office of the District Collector. The points raised for seeking information are as to when Aurangabad Constituency is declared as a Constituency reserved for Scheduled Caste candidate? What is number of voters in Aurangabad? How many number of legislative assemblies are there? And How many constituencies in Aurangabad district are kept reserved? A pointed information was sought for by point No.4. The office of the Collector by communication dated 18.01.2019 responded the application giving necessary information to point No.4, wherein the petitioner sought for information in respect of guidelines or the objectives for deciding the reservation of the constituencies. It is informed to the petitioner that the Election Commission of India undertakes this exercise.

3. On pointed query of the Counsel as to whether the petitioner had approached the Election Commission of India, in view of information provided to the petitioner on 18.01.2019, the learned Counsel fairly submitted that till date the petitioner has not undertaken this exercise. If this is the fact situation, we have no hesitation to say that the petition at this stage is premature. The petitioner is certainly at liberty to approach the Election Commission of India first and on response, if the petitioner is aggrieved, he can certainly approach this Court for redressal of his grievance.

4. With these observations, the writ petition thus being premature, is disposed of at this stage.

**[ S.M.GAVHANE, J. ]**

**[ PRASANNA B. VARALE, J. ]**