

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

WRIT PETITION NO. 1538/2019.

Ashok Uttamrao Kochar

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Smt. S.W. Deshpande, Advocate for the Petitioner.
Shri P.S. Tembhare, A.G.P. for Respondent Nos. 1, 3 and 4.
Shri J.B. Kasat, Advocate for Respondent No. 2.

CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.

DATE : MARCH 05, 2019.

Heard.

2. The challenge in this petition is to a notification dated 07.07.2018, for reservation of seats for election of 9 members of Gram Panchayat, Chohagaon. The matter was initially heard on 25.02.2019, and we have passed the following order :

“ *Heard.*

2. *Learned counsel for the petitioner seeks leave to amend the petition, by placing on record the election*

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program, said to have been published on 22.02.2019. Leave granted. Necessary amendment be carried out forthwith.

3. The challenge in this petition is to the notification dated 07.07.2018, for reservation of seats for election of 9 members of Gram Panchayat, Chohagaon.

4. Perusal of the said notification shows that out of total 9 posts, 3 posts are reserved for Scheduled Caste/Scheduled Tribe/Other Backward Classes, which can be described as Vertical Reservation. 4 posts are reserved for Women belonging to Scheduled Caste/Scheduled Tribe/Other Backward Classes, and one for General.

5. Though it is shown that only 3 out of 9 posts are reserved for Scheduled Caste/Scheduled Tribe/Other Backward Class, such reservation is also carried out in horizontal reservation meant for women and thus, out of 9 posts, 8 posts are reserved to be filled in from all the backward class categories.

6. Issue Notice for final disposal of the matter, returnable on 04.03.2019. Learned Counsel

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*appearing for respective respondents,
waive notice. ”*

3. Respondents have filed their reply in the matter. It is pointed out to us that a preliminary notification in respect of reservation and rotation of seats for various categories of backward classes, was published on 13.07.2018, and a final notification was published on 31.07.2018. There is no change to the preliminary and final notifications. No objection was raised within the stipulated period to the preliminary objection. The objection relied upon is of 04.01.2019 i.e. much after the final notification, was published on 31.07.2018.

4. So far as the challenge regarding reservation of seats of various categories of backward classes is concerned, we find that it is not conformity with the provisions of Section 10[2][b] and [c] of the Maharashtra Village Panchayat Act. There is no challenge to said provisions. In absence of any challenge, it is not possible for us to accept the contentions raised by the petitioner in the present petition.

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5. So far as the rotation is concerned, no objection was raised within the stipulated period. Hence, Writ Petition is dismissed. No costs.

JUDGE

JUDGE

Rgd.