

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1475 OF 2020

HANUMAN NAMDEVRAO JAKAGTE

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr B.R. Kedar, Advocate for Petitioner
Mr A.B. Girase, Government Pleader for
Respondents-State

**CORAM : S. V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 22ND JANUARY, 2020

PER COURT :

1. Mr Kedar, the learned Counsel for the petitioner submits that the post of Mayor, Municipal Corporation, Latur has been reserved for O.B.C. The same is illegal. Within five years, the said post is reserved twice for O.B.C. Once the post was reserved for O.B.C., the same has to be excluded for further reservation till the full rotation is complete. The respondent has committed illegality. The rights of the petitioner are affected. The learned Counsel submits that the petitioner belongs to S.C. category and he is Corporator of the Municipal Corporation, Latur.

2. The draws were made in the month of November, 2019. The petitioner had an opportunity to challenge the same. The

petitioner slept over his right and did not challenge the reservation made, allowed the elections to proceed further. The elections are also held on 22nd November, 2019. Now, the election of the post of the Mayor is challenged on the ground that the rotation policy is not followed. We cannot entertain the writ petition challenging the election after the election is over on the ground of rotation policy for which the reservations were made in the month of November itself. The petitioner ought to be diligent in challenging the same. It would be inappropriate to set the clock back at this stage.

3. Mr Kedar, learned Counsel for the petitioner submits that the petitioner has already filed intervention application in one of the writ petitions. The same would be considered on its own merits and as may be permissible under law.

4 In light of that, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

mta