

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

85 WRIT PETITION NO.2489 OF 2021

VIKAS RAMESH GADHAVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Undre Vikram S
AGP for Respondents/State: Mr. A. R. Kale
Advocate for Respondent No.4: Mr. A. B. Kadethankar

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

DATE : 08.02.2021

P.C. :

. Mr. Undre learned counsel for the petitioner submits that the petitioner is challenging the reservation for the post of Sarpanch of different Grampanchayats in the entire Paranda Taluka. Inasmuch as, there are some Grampanchayats where the seats are reserved for SC and not a single SC candidate is available to contest for the post of Sarpanch. According to the learned counsel, the respondents could have adjusted those seats for SC in other Grampanchayats. According to the learned counsel, there are three Grampanchayats in Paranda Taluka, who do not have any SC candidate as a member of Grampanchayats, still the post is reserved for SC and that post would be vacant.

2. Learned AGP submits that in that case, Rule 4-A of the Bombay Village Panchayat (Sarpanch and Up-sarpanch) Election Rules, 1964 would be adhered to.

3. Naturally, the Rules are to be taken into consideration in such a contingency. The authorities are supposed to follow the said rules.

4. In fact, we do not have the data of the entire Taluka before us. In absence thereof, it would not be possible to determine the contentions of the learned counsel for the petitioner. Be that as it may, the petitioner is elected as a Member of Deulgaon Grampanchayat from general category and since 1995, twice the post of Sarpanch of Deulgaon Grampanchayat was reserved for general category and one for general women and never before it was reserved for SC catogery. It is contended that no SC candidate is available in the Grampanchayat, respondents will adhere to Rule 4-A of the Rules, 1964.

5. With these observations, writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)