

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2481 OF 2021

Arun s/o Hiranman Sonawane

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr V.D. Salunke, Advocate holding for
Mr M.V. Salunke, Advocate for Petitioner
Mr A.R. Kale, A.G.P. for Respondent-State
Mr A.B. Kadethankar, Advocate for Respondent No. 2

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

DATE : 8th FEBRUARY, 2021

PER COURT :

1. We have heard Mr Salunke, the learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that though the petitioner is defeated in the election for the member of the Grampanchayat, Walwadi Khurd from Scheduled Caste category, the petitioner is fighting for improper reservation provided to the Scheduled Caste.

3. The learned Counsel submits that there are 49 Grampanchayats in Taluka Bhadgaon. The elections of only 33 Grampanchayats are held, but draws are taken out for the post of Sarpanch for all 49 Gram-panchayats. For 33 Grampanchayats, the draws for the post of Sarpanch are after the elections are over and for remaining

16 Grampanchayats, the draws are made before the elections could be held. There is inconsistency. The draws of only 33 Grampanchayats ought to have been held.

4. The respondents have not considered that for 3 Grampanchayats in the said Taluka, the Scheduled Caste candidate is not available when the seat is reserved for Scheduled Caste category.

5. We have considered the submissions.

6. The petitioner may not be directly aggrieved. The objections of the petitioner that the draws of only 33 Grampanchayats could have been drawn may not be in tune with the Rules. In as much as the Taluka is considered as unit while reserving the posts for Sarpanch of various Grampanchayats. Moreover, the draws are for five years.

7. The posts which are reserved for Scheduled Caste woman and if the woman candidate is not available then procedure as per Rule 2(A) (3) (4) and Rule 4-A of the Bombay Village Panchayat (Sarpanch and Up-Sarpanch) Election Rules has to be adopted. The same shall be adopted by the respondents.

8. In light of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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