

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

92 WRIT PETITION NO.2504 OF 2021

RADHABAI GYANU SHANKAT

VERSUS

THE STATE OF MAHARASHTRA THRU ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Narvade Patil Ravindra B.

AGP for Respondents/State: Mr. A. R. Kale

Advocate for Respondent No.6: Mr. A. B. Kadethankar

...

AND

WRIT PETITION NO.2506 OF 2021

LAXMAN BLAIRAM WADHE

VERSUS

THE DIST COLLECTOR HINGOLI AND OTHERS

...

Advocate for Petitioner : Mr. Suryawanshi Surendra V.

AGP for Respondents/State: Mr. A. R. Kale

Advocate for Respondent No.3 : Mr. A. B. Kadethankar

...

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

DATE : 08.02.2021

P.C. :

. It is submitted that the post of Sarpanch for Grampanchayat Khambala is reserved for SC (female). No SC (female) candidate is a Member of Grampanchayat Khambala still the post of Sarpanch of Grampanchayat Khambala is reserved for SC female. The same is illegal.

2. The learned counsel for the petitioner in WP No. 2504 of 2021 submits that from 1995 onwards, the post of Sarpanch of Grampanchayat Khambala was never reserved for OBC (female). The same ought to have been reserved for OBC (female).

3. According to the learned counsel for the petitioner in Writ Petition No. 2506 of 2021, the SC (female) Member is not available as such the seat should go to SC.

4. We do not have the statistics/data of the entire Taluka. Taluka is considered as a unit while applying the reservation and the rotation policy. In absence of the entire data, it will not be possible to arrive at a definite conclusion. In case, the SC (female) candidate is not available then the respondents would have to adhere to Rule 4-A of the Bombay Village Panchayat (Sarpanch and Up-sarpanch) Election Rules, 1964.

5. With these observations, the writ petitions stand disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)