

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2487 OF 2021

Changdeo s/o Namdeo Bhalerao and Anr. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr R.R. Karpe, Advocate holding for
Mr S.S. Gangakhedkear, Advocate for Petitioners
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. Mr Karpe, the learned counsel for the petitioners submits that the reservation for the post of Sarpanch of Grampanchayat, Bhandarwadi is not properly applied. The post of Sarpanch ought to have been reserved for S.C. (Women) or O.B.C. Category but the same is reserved for General Category, which is apparently inappropriate and illegal. The petitioner No. 1 is elected from O.B.C. Category and petitioner No. 2 from S.C. (Women) Category. The Rule 3 (b) of Election Rules, 1964 along with Sub Rule (2) of Rule 2-A is not adhered to. More than 50 % posts are reserved for General Category and there is no adherence to Rule 3(b) of Election Rules, 1964.

2. We have heard the learned Assistant Government Pleader.

3. It is contended that there are 110 Grampanchayats in Taluka Osmanabad.

4. For arriving at the conclusion about the legitimacy of reservation for the post of Sarpanch, the data of the entire Taluka is required to be considered. Taluka is considered as a unit. Unfortunately, the data of the entire Taluka is not placed on record.

5. *Prima facie*, it appears that in the year 1995-2000, the post of Sarpanch of village Bhandarwadi was reserved for O.B.C. Category. For the year 2005-2010, it was reserved for S.C. Category. For the year 2010-2015, it was reserved for S.C. (Women) Category and for the year 2015-2020, it was reserved for O.B.C. (Women) Category, and now, it is reserved for General Category. The post is reserved for General Category for the first time since 1995-2000. The rotation policy *prima facie* appears to have been adhered to.

6. The writ petition as such is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

mta