

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

109 WRIT PETITION NO.2526 OF 2021

SHIVKANYA RAHUL CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S. S. Thombre
AGP for Respondents/State: Mr. A. R. Kale
Advocate for Respondent No.2: Mr. A. B. Kadethankar

...

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

DATE : 08.02.2021

P.C. :

1. Mr. Thombre the learned counsel for the petitioner submits that the rules governing the rotation of reservation for the post of Sarpanch have been flouted. The reservation for the post of Sarpanch of Group Grampanchayat Wadod (Bk) has been made without the draw. The same is illegal and against the rules. According to the learned counsel, the same deserves to be set aside. There were other Grampanchayats also where the post of Sarpanch was never reserved for OBC (women) category and this time also they have not reserved for OBC (women) category.

2. The election for the post of Sarpanch of Group Grampanchayat Wadod is over. It would appear that since 1995, the

post of Sarpanch of Group Grampanchayat Wadod was never reserved for OBC (women) category. It was never reserved for OBC category at all. The petitioner claims to have been elected from General category. The post of Sarpanch of the Group Grampanchayat Wadod (Bk) was reserved for General category in the year 1995. Thereafter, again reserved for General category in the year 2000, in the year 2005, it was reserved for General (women) category, in the year 2010, it was reserved for SC category, in the year 2015, it was reserved for ST category and now, it is reserved for OBC (women) category. Even when the draws were made on 08.12.2020, the said post was reserved for OBC (women) category. It appears that the purpose of rotation policy would be sub-served considering the post being reserved for OBC (women) category. The said post was never reserved for OBC category also at any material point of time since the year 1995.

3. We have not entered into the other aspect of the matter as considering the rotation, the seat naturally would have gone to OBC or OBC (women) category. The petitioner belongs to General category for which the post was already reserved twice and once for General (women) category.

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

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)