

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2761 OF 2021

Pallavi W/o Hanumant Giramkar
and others

... Petitioners.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. Ameya N. Saabnis, Advocate for the Petitioners.

Mr. A.R. Kale, A.G.P. for Respondent Nos.1, 3 and 4.

Mr. A.B.Kadethankar, Advocate for Respondent No.2 and 5.

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

DATE : 10th FEBRUARY, 2021

PER COURT:-

1. Mr. Sabnis, the learned counsel for the petitioner submits that one Pragati Yogesh Giramkar got elected as a member of Grampanchayat Ajnuj from the General (women) category. The post of Sarpanch of the said Grampanchayat was reserved from O.B.C. The said Pragati Yogesh Giramkar has contested the election for the post of Sarpanch from O.B.C. The learned counsel submits that once having contested the election as a general candidate, could not have contested the election for the post of Sarpanch as an O.B.C. candidate.

2. The learned counsel placed reliance on the judgment of the Apex Court in case of *Bihari Lal Rada Vs. Anil Jain (Tinu) and others* reported in *(2009) 4 SCC 1*.

3. It is not denied by the petitioners that Pragati Yogesh Giramkar has submitted caste certificate of O.B.C.

4. The Apex Court in case of *Bihari Lala Rada* (supra) has observed thus:

“In our view, wherever the office of the President of a Municipality is required to be filled in by a member belonging to Scheduled Caste, Scheduled Tribe or Backward Class as the case may be it would be enough if one belongs to one of those categories irrespective of the fact whether they have been elected from a general ward or a reserved ward. Likewise, the office of the President of a Municipality if not reserved or meant for general category, all the candidates irrespective of their caste, class or community and irrespective of the fact whether they have been elected from a reserved ward or a general ward are entitled to seek election and contest to the office of the President of the Municipality.

5. In the light of that, no case for interference is made out. Writ petition is disposed of. No costs.

6. The petitioner is at liberty to take up steps as may be permissible under law.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE