

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

969 WRIT PETITION NO.2754 OF 2021

SUSHILA MADHAVRAO DUKARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr Latange V. P.
AGP for Respondents State : Mr P K Lakhotiya
Advocate for respondent No.2: Mr. A. B. Kadethankar

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

DATE : 10th February, 2021.

ORDER:

1. The Cause in the present petition is at the behest of the defeated candidate. Ward Formation of Gram Panchayat, Lohara was made in March, 2020. According to the learned counsel for the petitioner, there was no seat reserved for Scheduled Tribe Category in the Gram Panchayat. The petitioner contested the election as a general candidate. The petitioner is defeated. But now the seat of Sarpanch is reserved for S. T. category when there is no S. T. Candidate available. The same is illegal. The same frustrates the very purpose of reservation.

2. The Petitioner now at this belated stage, cannot be heard to say that the ward formation was incorrectly made or that the post of Sarpanch ought not to have been reserved for S.T. category. The ward formation is made in March, 2020. The petitioner did not raise any objection to the same. The election programme was declared on 15th December, 2020. To that also, the petitioner did not raise any objection and contested the election without any demur. The petitioner lost the election and now the

grievance is made by the petitioner after the post of post of Sarpanch of said Gram Panchayat is reserved for S.T. category. The petitioner on that basis cannot assail the election programme of December, 2020 or the election held on 15.01.2021 pursuant to the said election programme.

3. Depending upon the post reserved for Sarpanch, the election of Gram Panchayat cannot be declared and, precisely, that is the relief, the petitioner is seeking.

4. Writ petition accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC