

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

WRIT PETITION NO.2760 OF 2021

Sambhaji S/o Mariba Barkamkar ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

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Mr. S.G. Chapalgaonkar, Advocate h/f Mr. A.B. Shinde, Advocate for the Petitioner.

Mr. P.K. Lakhotiya, A.G.P. for Respondent Nos.1, 3 to 6.

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

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

DATE : 10th FEBRUARY, 2021

PER COURT:-

1. Mr. Chapalgaonkar, the learned counsel for the petitioner submits that the petitioner is elected as a member of Grampanchayat Belsar from S.C. category. Since 1995, the post of Sarpanch of the said Grampanchayat is never reserved for S.C. category. There are 39 Grampanchyats in Ardhapur taluka and 7 posts are reserved for the S.C. category. According to the learned counsel, in 5 years, at least once the post of Sarpanch ought to have been reserved for S.C. category.

2. We have heard learned A.G.P. also.

3. We do not have the statistics/data of the S.C. population of every Grampanchayat, where the post of Sarpanch is reserved for S.C.

category. The post of Sarpanch for reserve category is to be maintained on the basis of descending order of population. The reservations earlier made are to be excluded.

4. Without a conclusive data before us, it would not be possible to arrive at a definite conclusion. Moreover, the election of the Grampanchayat Belsar appears to have taken place.

5. In view of the above, the writ petition is disposed of. No costs.

6. It is for the authorities to consider the objections raised by the petitioner on its own merits.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane