

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

WRIT PETITION NO.2795 OF 2021

Santosh Vijay Pimple

... Petitioner.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. Sanket S. Kulkarni, Advocate for the Petitioner.

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

Mr. A.B. Kadethankar, Advocate for Respondent Nos.2 and 5.

....

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

DATE : 10th FEBRUARY, 2021

PER COURT:-

1. Mr. Kulkarni, learned counsel for the petitioner submits that at no material point of time since 1995, the post of Sarpanch of Grampanchayat Pathare was reserved for S.T. category. The learned counsel submits that the population of S.T. in the said Grampanchayat is 173. The Grampanchayats having less population of S.T. have witnessed the post of Sarpanch being reserved for S.T. category. The same illegality is committed by the respondents. The learned counsel submits that the respondents be directed to reserve the post of Sarpanch for S.T. category.

3. We have heard the learned A.G.P. also.

4. The population of the S.T. has to be considered as against the general population. The percentage of the S.T. population will have to be considered. No data exists on record to substantiate that other Grampanchayats, where the post of Sarpanch is reserved for S.T., has less population of S.T. than the petitioner's Grampanchayat. In absence thereof, it would not be possible to arrive at a definite conclusion.

5. The writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane