

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

WRIT PETITION NO. 2811 OF 2021

Rupabai Sahebrao Jadhav

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri S. S. Thombre, Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1, 3 and 4.

Shri A. B. Kadethankar, Advocate for the Respondent No. 2.

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

DATE : 11TH FEBRUARY, 2021.

FINAL ORDER :

. The petitioner assails the order/notification issued by the State Government dated 16.12.2020 and seeks further directions to maintain the draws held on 02.11.2020.

2. Mr. Thombre, the learned advocate for the petitioner submits that, the petitioner is elected as a member of Gram Panchayat Wakulni, Tq. Badnapur. The petitioner is a candidate from S.C. (Female) category. The post of Sarpanch of the said gram panchayat is reserved for S.C. as per the draw dated 05th February, 2021. The learned counsel submits that, initially the draw reserving the post of Sarpanch of village panchayat Wakulni was held on 10th November, 2020. On the said date, the post of Sarpanch of Gram Panchayat was reserved for S.C.

(Female). There was no reason for the authorities to cancel the said draw. The communication dated 16.12.2020 issued by the Desk Officer for cancelling the draws earlier made is without proper reason. It is not the decision of the State Government. The same is arbitrary. The draws already made could not have been cancelled. The learned counsel submits that, thereafter the draws for the post of Sarpanch of the said Gram Panchayat were drawn on 05th February, 2021. On 28th January, 2021 again it was decided that twelve gram panchayats will be reserved for S.C. The name of the petitioner's gram panchayat finds place in the same. The learned counsel submits that, draw is not adhered to Rule 2A and 4A with its proviso of of the Maharashtra Gram Panchayat Rules 1964. It is submitted that, post of Sarpanch of Gram Panchayat was reserved for S.C. for 2005-2010. This time it ought to have been reserved for S.C. (Female) category. The rotation policy has been flouted.

3. We have heard the learned Assistant Government Pleader for respondents/State and Mr. Kadethankar, the learned Advocate for the Respondent/Commission.

4. The post of Sarpanch of Gram Panchayat Wakulni in the year 1995 was reserved for O.B.C. (Female). In the year 2000 it was reserved for general category. In the year 2005 it was again reserved for general (Female). In the year 2015 said post of Sarpanch was reserved for O.B.C. (Female) and this time it is reserved for S.C. In the year 2005 and 2015 the post of Sarpanch

was reserved for female consistently may be for general and O.B.C. category.

5. The petitioner after the fresh draws were made on 05th February, 2021 is assailing the cancellation of the draws as per the communication dated 16.12.2020. The petitioner if was aggrieved by the cancellation of draws on 16.12.2020 ought to have approached the Court at the relevant time. After finding fresh draws are not favourable to her, the petitioner has approached this Court and filed the petition only on 08th February, 2021. The petitioner allowed the fresh draws to take place without any demur. No plausible explanation is coming forth for not challenging the communication dated 16.12.2020 at the relevant time.

6. The reservation for female is 50%. In the year 2010-2015 and 2015-2020 the post of Sarpanch of said gram panchayat was reserved for female viz-a-viz general female and O.B.C. female. This time it is reserved for S.C. and not for S.C. female. In that case we do not find that any rotation policy flouted.

7. In the light of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]
bsb/Feb. 21