

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

WRIT PETITION NO. 2827 OF 2021

Rohidas Chiman Pawar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Nilesh N. Desale, Advocate for the Petitioner.

Shri A. R. Kale, A.G.P. for Respondent Nos. 1 to 3.

Shri A. B. Kadethankar, Advocate for the Respondent No. 4.

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

DATE : 11TH FEBRUARY, 2021.

FINAL ORDER :

. Mr. Desale, the learned counsel for the petitioner submits that, post of Sarpanch of Gram Panchayat Zirnipada, Tq. Sakri is included in pesa area. Fifty per cent seats are to be reserved for scheduled tribe. In the last election same was reserved for S.T. (Female). This time it ought not have been reserved for S. T. female.

2. To buttress his submissions, the learned counsel submits that, since two terms the post of Sarpanch was reserved for S.T. Female and relies on the affidavit filed by the Additional Tahsildar Pimpalner, Tq. Sakri in Writ Petition No. 12789 of 2017.

3. Mr. Kale, the learned Assistant Government Pleader for respondents/State submits that, mistake was committed while filing that affidavit. Post of Sarpanch of Gram Panchayat Ziranipada was reserved for S.T. only and not for S.T. Female in the previous election. The proceeding of the same would testify the said fact.

4. We have also heard Mr. Kadethankar, the learned Advocate for the Respondent/Commission.

5. It appears that, the affidavit filed in earlier Writ Petition No. 12789 of 2017 by the Additional Tahsildar states that, the post of Sarpanch was reserved for S.T. (Female) and conclusion was drawn that if the post is for S.T. Female, then no confidence motion has to be passed by 3/4th majority. However, proceeding on record would demonstrate that for two terms it was left out for S.T. and not S.T. Female. For this election it is reserved for S.T. Female. Same would be appropriate and proper.

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

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]