

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

968 WRIT PETITION NO.2806 OF 2021

MACHINDRA EKNATH ITHAPE

..PETITIONER

VERSUS

**THE STATE OF MAHARASHTRA THR ITS SECRETARY AND
OTHERS**

..RESPONDENTS

...

Mr. Sambhaji S. Tope, Advocate for the Petitioner.
Mr. A. R. Kale, AGP for Respondents-State.

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

DATED : 11th FEBRUARY, 2021.

PER COURT:-

1. The petitioner is elected as member of Grampanchayat Erandoli from General category. The post of Sarpanch of the said Grampanchayat is reserved for General category.

2. Mr. Tope, learned counsel submits that since the year 1995 each time the said post is reserved for General or General (woman) except for the year 2005. In the year 2005 the said post was reserved for OBC (woman). No reservation of the post of Sarpanch of the said Grampanchayat is give to other reserved category.

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

4. The election of the post of Sarpanch is also over. The petitioner is elected as member

from General category. The post of Sarpanch is also reserved for General category. The petitioner is not directly affected by the said reservation. More over, the other details as to how the rotation policy is not adhered to or that the said post could have been reserved more conveniently for other category candidates is also not on record. For reserving the post for SC and ST, the population of all the Grampanchayats in the said Taluka will have to be considered, so also the post of Sarpanch reserved for preceding elections for SC and ST also will have to be considered. The descending order of percentage of population is also a requirement. Such details are lacking.

5. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE