

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

**WRIT PETITION NO.2797 OF 2021
WITH
CA/2171/2021 IN WP/2797/2021**

Mangaldas S/o Tulshiram Kambale

... Petitioner.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. B.R. Waramma, Advocate for the Petitioner.

Mr. S.R. Yadav Lonikar, A.G.P. for Respondent Nos. 1 to 3 and 5.

Mr. A.B. Kadethankar, Advocate for Respondent No.4.

....

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

DATE : 10th FEBRUARY, 2021

PER COURT:-

1. Mr. Waramma, learned counsel for the petitioner submits that since 1995, the post of Sarpanch of Grampanchayat Mandal was never reserved for S.C. category. The population of S.C. in the said Grampanchayat is 353. The total population of the said Grampanchayat is 5667. The population of S.C. to that extent is 6%. According to the learned counsel, at least once, since 1995 the post of Sarpanch ought to have been reserved for S.C. category. The illegality has been committed by not drawing the draws.

2. We have heard the learned A.G.P. also.
3. There are 119 Grampanchayats in Amalner taluka. The taluka is considered as a unit. The petitioner is not in a position to place on record the percentage of the population of S.C. in other Grampanchayats. In absence of the entire data, it will not be possible to arrive at a definite conclusion.
4. In light of that, the writ petition is disposed of. No costs.
5. In view of disposal of the writ petition, the civil application is also disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane