

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

WRIT PETITION NO. 3008 OF 2021

Pushpabai Yashwant Gaikwad

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

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

Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1, 3 and 4.

Mr. A. B. Kadethankar, Advocate for Respondent No. 2.

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

DATED : 15th February, 2021.

PER COURT:-

. The learned counsel for the petitioner submits that the post of Sarpanch of the Grampanchayat Padali Gajipur, Taluka Paithan, District Aurangabad is reserved for General (Women) category. In November 2020 when the draws were made, the same was reserved for SC (Women) category. It has been illegally changed. The learned counsel submits that there was no reason to cancel the earlier draws. The letter dated 16.12.2020 is without jurisdiction.

2. We have heard the learned A.G.P for respondent Nos. 1, 3 and 4 and Mr. Kadethankar, learned counsel for respondent No. 2.

3. No explanation is given for not challenging the circular dated 16.12.2020 prior to the fresh draws. The petitioner only after noticing that the fresh draws are not favourable to her has filed the present writ petition, challenging the communication dated 16.12.2020. The said challenge is belated.

4. The post of Sarpanch for SC category of the said Grampanchayat was reserved in the year 2000. The petitioner has not placed on record the data to show how by adhering to the rotation policy the said post would have been reserved. In absence of the data no conclusive finding can be arrived at.

5. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.