

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

WRIT PETITION NO. 2996 OF 2021

Shravan S/o Kaduba Gaikwad ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

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Mr. A.R. Salve, Advocate for the Petitioner.
Mr. P.K. Lakhotiya, A.G.P. for Respondent No.1.
Mr. A.B. Kadethankar, Advocate for Respondent No.2.

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

DATE : 16th FEBRUARY, 2021

PER COURT:-

1. Mr. Salve, learned counsel for the petitioner submits that the petitioner is elected as a member of Grampanchayat of Khadakdevda (Kh.) from S.C. category. The post of Sarpanch of the said Grampanchayat was never reserved for S.C. category since the year 1995. The population of S.C. in the said Grampanchayat is almost 8%. The learned counsel submits that if the rotation policy is followed as per rule 2 to 4 of Rules 1964, the post of Sarpanch of the said Grampanchayat ought to have been reserved for S.C. category. The petitioner is deprived of his legitimate right to contest the post of Sarpanch.

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

3. It appears that seven posts of Sarpanch are reserved for the S.C. out of the total Grampanchayats in the Taluka. The post of Sarpanch has to be reserved by excluding the Grampanchayats, where earlier the post of Sarpanch was reserved and thereafter considering the ratio of the population in descending manner. It appears that the seven posts reserved for the Sarpanch of the Grampanchayats have almost 9/10% S.C. population.

4. In light of that, it cannot be said that the error has been committed. The writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane