

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

WRIT PETITION NO. 3212 OF 2021

Sharad Namdeo Pawar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Vikram R. Dhorde, Advocate for the Petitioner.

Shri A. R. Kale, A.G.P. for Respondent Nos. 1 to 4.

Shri V. D. Salunke, Advocate h/f Shri A. B. Chalak, Advocate for the Applicant in C. A. St. No. 6223 of 2021.

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

DATE : 17TH FEBRUARY, 2021.

FINAL ORDER :

. Mr. Dhorde, the learned counsel for the petitioner submits that, the post of Sarpanch of Gram Panchayat Karmad (Kh.), Tq. Parola is reserved for the Scheduled Tribe category. The learned counsel submits that, Sub Rule 4-A(V) of Rule 2 of the Bombay Village Panchayat (Sarpanch and Upa Sarpanch Election) Rules, 1964 has been flouted. According to the learned counsel, the post of Sarpanch for S.C. or S.T. category are to be reserved in the descending order of population and earlier gram panchayat reservations made for the said category are to be excluded. The learned counsel further submits that, the S.T. population of said gram panchayat is only 154, but same was manipulated and it was shown as 354. The percentage of 5% was increased and that

is how reservation of S.T. category was made. If post of sarpanch could not have been reserved for S.T. category, then same ought to have been reserved for general category. The petitioner is elected from general category. According to the learned counsel the reservation of the post of S.T. category ought to have been for any other category. The learned counsel further submits that, illegalities have been committed by the respondents.

2. We have heard the learned Assistant Government Pleader for respondents/State and Mr. Salunke, the learned advocate for intervenor.

3. In the list prepared by the Tahsildar showing the total population and the population of S.T. category of various gram panchayats in the entire taluka, it is shown that S.T. population of village Karmad (Kh) is 354. The petitioner is relying upon the letter issued by the Tahsildar to state that the population of S.T. category in the village is 154. That could be a disputed question.

4. We may observe that, the petitioner is elected from general category. The post of Sarpanch of Gram Panchayat Karmad (Kh.), Tq. Parola for the year 2015-2020 was reserved for general (Female) category. For the period 2010-2015, the post of Sarpanch was reserved for general category. For the period 2000-2005, the same was reserved for general category. The post of Sarpanch does not appear to have been reserved for S.C. or S.T. category since the year 1995. The year 1995 is base year for

considering reservation. No other gram panchayat it appears to have raised an objection in respect of reservation of post of Sarpanch of village panchayat Karmad (Kh.), Tq. Parola reserving it for S. T. category.

5. Considering the above said facts, the petitioner cannot be said to be affected person, more particularly as it is observed that, consistently for the year 2000-2005 and 2010-2015 it was reserved for general category and for the year 2015-2020 it was reserved for general (Female) category. This time it could not have been reserved for general category.

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

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