

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

909 WRIT PETITION NO.5501 OF 2021

KALPANA PRATAP RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr Shelke Manoj U.
AGP for Respondents State: Mr P K Lakhotiya

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

DATE : 31st March, 2021.

ORDER:

1. Heard Mr. Shelke, the learned counsel for the petitioner.
2. In fact the relief claimed in the petition would not survive for the simple reason that the petitioner wants respondent No.2 to abide by Rule 4-A of the Maharashtra Village Panchayat (Sarpanch and Upa-Sarpanch) Election Rules, 1964 while filling up the post of Sarpanch for village Panchayat Jangalikotha. It is submitted that the Collector has precisely followed Rule 4-A while filling up the post of Sarpanch for the said village.
3. In view of that the writ petition does not merit any consideration.
4. Mr Shelke, the learned counsel now submits that in fact the post of Sarpanch for village panchayat Jangalikotha ought not have been reserved for Scheduled Tribe and the same ought to have been reserved for village panchayat Ghosala as the population of Scheduled Tribe of Ghosala is more than Jangalikotha.
5. Reservations are made in January, 2021. Elections are held on

9th February, 2021. The petition is filed on 23.02.2021. No reason is given for not challenging the reservations made in January, 2021, before the election of Sarpanch. Moreover, the purpose of the petition is served. Rule 4A has been followed by the authority. Now the question of granting leave to amend and challenge reservation for the post of Sarpanch of Gram Panchayat Jangalikotha , much after after the election are over, does not arise.

6. In view of that, writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC