

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

19 WRIT PETITION NO.10257 OF 2021

AKASH MUNJA RODE .. Petitioner
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS .. Respondents

...
Mr Angad L Kanade, Advocate for the Petitioner
Mr P.K. Lakhotiya, AGP for the Respondent – State
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**CORAM : S. V. GANGAPURWALA
AND
R.N. LADDHA, JJ.**

DATE : 20-09-2021

PER COURT : -

1. Mr Kanade, learned Advocate for the petitioner submits that the elections for the post of Members of Village Panchayat Bhopala, Tal. Parali were held on 05-01-2021, but no post was reserved for SC candidate. The post of Sarpanch was reserved for SC candidate. As no post of the Members of the Village Panchayat was reserved for S.C., the election is vitiated. The respondent be directed to conduct the fresh elections.

2. The learned AGP refers to Article 243-O (b) of the Constitution of India and submits that the election of the returned candidates can be challenged only by way of an election petition.

3. In fact, the petitioner did not participate in the election. The election programme was declared much in advance. There were different stages of the elections. The petitioner allowed the election to conclude and did not raise objection to it. Now, after nine months, he is assailing the election. The same would not be permissible at such a late stage.

4. In view of the above, we cannot consider the writ petition on merits.

5. Writ Petition as such is disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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