

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

156 WRIT PETITION NO.8674 OF 2021

SATYAWAN SHIVAJI JADHAV

.. Petitioner

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..Respondents

...

Advocate for Petitioner : Mr Sushant B Choudhari

AGP for Respondents / State : Mr S.B. Pulkundwar

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**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 09-08-2021

PER COURT : -

1. Heard Mr Choudhari, learned Counsel for the petitioner.
2. The learned Counsel for the petitioner submits that, the post of Sarpanch of Village Panchayat Talni was reserved for OBC (Woman). The Sarpanch occupying the said post has resigned. Now respondent no.2 has directed the vacancy to be filled in for the post of Sarpanch reserved for OBC.
3. The learned Counsel for the petitioner further submits that, when election for the post of Sarpach is to be held, the State has to collect the data and after collection of the data, it has to be convinced that, the reservation of the woman does not exceed 50%.

No such exercise has been done in the present matter by the respondents.

4. It is undisputed that, the post of Sarpanch of Grampanchayat Talni was reserved for OBC (woman). OBC (woman) candidate was elected as a Sarpanch. She has resigned and the same is filled in by another OBC (woman) candidate. As per Sub Rule (2) of Rule 2-A of the Maharashtra Village Panchayats (Sarpanch and Up-sarpanch) Election Rules, 1964, the District is considered as a unit. There is no data before us of entire Latur District. Moreover, there is nothing on record to show that the reservation of woman exceeds 50%. The same post was reserved for OBC (woman). The petitioner did not object at the relevant time. After resignation of the said Sarpanch, the post by new Sarpanch from the same reserved category is sought to be filled in. The elections are also scheduled today.

5. Considering all the aforesaid aspects, no interference is called for. Writ Petition is accordingly disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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