

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

WRIT PETITION NO. 8826 OF 2021

Premrao Pundlik Chate and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri V. U. Pawar, Advocate Shri Sambhaji S. Tope, Advocate for
Petitioners.

Shri S. G. Karlekar, A.G.P. for the Respondent Nos. 1, 2 and 6.

Shri A. B. Kadethankar, Advocate for the Respondent No. 3.

Shri S. P. Kausalye, Advocate for the Intervenor.

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

DATE : 16TH SEPTEMBER, 2021.

FINAL ORDER :

. Under order dated 12th August, 2021, we had observed that, the prayer Clause (B) does not survive. The other prayers to be considered are seeking directions against the respondent authorities to declare bye-election of the post of member of village panchayat Kekatsindgi, Tq. Jalkot, Dist. Latur.

2. There are nine members of the village panchayat. Four members are disqualified and five are only functioning. Sarpanch was directly elected.

3. The Naib Tahsildar (Election), Tahsil Office, Jalkot, Tq. Jalkot, Dist. Latur has finalized the electoral of Jalkot Taluka including village Kekat Sindgi. Now next stage is to declare the

election programme. Same is at the hands of the Election Commission. It is further stated on affidavit that Section 145 (1-A) of the Maharashtra Village Panchayat Act would not be attracted.

4. The State Government on affidavit has shown its willingness to proceed ahead for filling in four vacant posts of members of Gram Panchayat Kekatsindgi, Tq. Jalkot.

5. Mr. Kadethankar, the learned advocate for the respondent No. 3 also points out the order passed by the Apex Court in Misc. Application No. 902 of 2021 in Writ Petition (Civil) No. 980 of 2019 in a case of Vikas Kishanrao Gawali and others Vs. State of Maharashtra and others, wherein Election Commission was allowed to proceed further for bye-elections of the posts which fell vacant because of cancellation of O.B.C. reservation.

6. In the light of the affidavit filed by the Naib Tahsildar (Election), Jalkot, the Election Commission may proceed further for holding the bye-election of four vacant posts of members of Gram Panchayat Kekatsindgi, Tq. Jalkot, Dist. Latur, of course after evaluating and considering the ground situation and the ground realities.

7. In view of the above, the writ petition is disposed of. No costs.