

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

961 WRIT PETITION NO. 2196 OF 2021

RAMKOR VIKRAM MASKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Anant Devakate & Mr. Shrikant G. Kawade, Advocate for Petitioner.

Mr. A. R. Kale, A.G.P. for Respondent/State Authorities.

Mr. A. B. Kadethnakar, Advocate for Respondent No.5.

...

AND

WRIT PETITION NO. 2193 OF 2021

VIVEK VINAYAKRAO GHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Shrikant G. Kawade, Advocate for Petitioner.

Mr. A. R. Kale, A.G.P. for Respondent/State Authorities.

Mr. A. B. Kadethnakar, Advocate for Respondent No.2.

...

AND

WRIT PETITION NO. 3224 OF 2021

KAVITA RAMESH RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Milind M. Joshi, Advocate for Petitioner.

Mr. A. R. Kale, A.G.P. for Respondent/State Authorities.

Mr. A. B. Kadethnakar, Advocate for Respondent No.4.

Mr. Shrikant G. Kawade, Advocate for Respondent No.5.

Mr. Niteen V. Gaware, Advocate for Respondent No.6.

...

AND

WRIT PETITION NO. 3903 OF 2021

KISHOR ASHOK TRIBHUVAN
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

...

Mr. P. M. Gaikwad, Advocate for Petitioner.
Mr. A. R. Kale, A.G.P. for Respondent/State Authorities.
Mr. A. B. Kadethnakar, Advocate for Respondent No.2.
Mr. Shrikant G. Kawade, Advocate for Respondent No.5.

...

AND

**CIVIL APPLICATION NO. 6959 OF 2021
IN WP/3224/2021**

MACHINDRANATH DEORAO DHUS
VERSUS
KAVITA RAMESH RATHOD AND OTHERS

...

Mr. Niteen V. Gaware, Advocate for Applicant.
Mr. Milind M. Joshi, Advocate for Respondent No.1.
Mr. A. R. Kale, A.G.P. for Respondent/State Authorities.
Mr. A. B. Kadethnakar, Advocate for Respondent No.5.
Mr. Anant R. Devakate, Advocate for Respondent No.6

...

AND

**CIVIL APPLICATION NO. 9123 OF 2021
IN WP/2196/2021**

RAMKOR VIKRAM MASKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Anant R. Devakate, Advocate for Applicant.
Mr. A. R. Kale, A.G.P. for Respondent/State Authorities.
Mr. A. B. Kadethnakar, Advocate for Respondent No.5.

...

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

DATE : 07th September, 2021.

P.C.:

. It appears that more than merits of the matters, the parties and officers are more concerned with showing their authority and it appears that the buck is being passed from one officer to another officer be it BDO and/or Tahsildar at the relevant time.

2 If it is the case of the Tahsildar that the BDO has acted beyond his authority and is responsible for not preparing the correct record, then it is for the superior authorities to take action against him and if the BDO feels that his record is absolutely in accordance with the procedure and that the changes are at the behest of the Tahsildar, in that case also the said aspect can be looked after by the superior authorities.

3 The allegations are made against each other.

4 One of the contentions of the State Authority is that the petitioners in the writ petitions are guilty of producing frivolous documents. For example the document dated 13th November, 2020

supposedly issued from the office of Tahsildar Mantha. The enquiry can be conducted in respect of the said document.

5 The Collector may proceed further. It may call for the original from the petitioner of Writ Petition No.3903 of 2021. In case, such a document is called for, the petitioner would be bound to produce the same before the Collector and if the office of the Collector finds some malpractices in it, he is free to proceed further with appropriate steps including the steps for setting the criminal law in motion.

6 As far as the merits of the matters are concerned, it is stated that the post of Sarpanch Panchayat Kendhali was never reserved for SC since the year 1995 and for the first time it is being reserved for SC. No illegality can be said in the same. In case of Limbkheda, the post of Sarpanch is reserved for General Women. We do not have any data placed either by the petitioners or the respondents to show the percentage of the population of SC. The request is made that the post of Sarpanch Gram Panchayat Limbkheda ought to be reserved for SC. As no data exist about the percentage of the population of SC, the case cannot be considered from that point of view also.

7 With these observations and directions, the writ petitions
are disposed of. No costs.

8 Civil Application No.6959 of 2021 and Civil Application
No.9123 of 2021 are also disposed of.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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