

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.380 OF 2022**

PRALHAD UTTAMRAO AHER

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Suhas B. Ghute, Advocate for the Petitioner.

Mr. P. S. Patil, AGP for Respondents-State.

Mr. Ajit B. Kadethankar, Advocate for Respondent No.2.

...

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 10th JANUARY, 2022.

PER COURT:-

1. Mr. Ghute, learned counsel for the petitioner submits that, respondents have reserved the post of Sarpanch of Grampanchayat, Nalegaon for a person belonging to S.C. category. For the year 2015-2020 the post was reserved for OBC and for the year 2020-2025, the same was reserved for S.T. category. The candidate from S.T. was not available and now after one year they have reserved the same for a candidate from S.C. category. For the year 2010-2015, the post of Sarpanch of Grampanchayat, Nalegaon was reserved for S.C. category. The same is repeated. The repetition is not permissible. The same could be flouting rotation policy.

2. We have heard learned A.G.P. for respondents and Mr. Kadethankar, learned counsel for respondent no.2.

3. It is not that the post of Sarpanch of Grampanchayat, Nalegaon was never kept for General category. For the year 1995-2000 and 2005-2010 the same post was reserved for General category. For the previous term i.e. for the year 2015-2020 the same was reserved for OBC category. It was reserved for S.C. category for the year 2010-2015 and for the year 2020-2025 the post of Sarpanch was reserved for S.T. category. However, S.T. category candidate is not available, it is reserved for S.C. category, considering Sub-rule 2A of Rule (4-A) of the Maharashtra Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964 read with Section 30 of the Maharashtra Village Panchayat Act, 1958.

4. It is also submitted that, election for the post of Sarpanch is scheduled tomorrow i.e. on 11.01.2022.

5. For all the aforesaid reasons, we are not inclined to entertain the writ petition.

6. Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE