

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

917 WRIT PETITION NO. 8595 OF 2018

**BALIRAM DULSINGH RATHOD
VERSUS
THE STATE ELECTION COMMISSION MAHARASHTRA
STATE AND OTHERS**

...

Advocate for the petitioner : Mr.P.B.Rakhunde
AGP for Respondent-State : Mr.A.R.Kale
Advocate for Respondent no.1 : Mr.A.B.Kadethankar

...

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

DATE : 10.03.2022

P.C. :

1] Learned counsel for the petitioner submits that since 20 years the Village Panchayat Khambala, Taluka Kinwat, District Nanded is included in scheduled area. 50% seats are reserved for Scheduled Tribe category candidates. Since 20 years Scheduled Tribe category candidate is not available in the entire village and the seats remained vacant.

2] Mr. Kadethankar, learned counsel for the Election Commission submits that this time also the candidates from the Scheduled Tribe category are not available and no nomination papers are received from the Scheduled Tribe Category candidates.

3] On one hand the Government has placed the Grampanchayat in scheduled area and on the other hand not a single candidate from the Scheduled Tribe category is available in scheduled area. 50% seats are required to be reserved for Scheduled Tribe category as per Section 10 (2) (c) of the Maharashtra Village Panchayats Act. Leave aside 50%, not a single candidate from Scheduled Tribe category is available according to the learned counsel for the petitioner and learned counsel for the Election Commission. The said scenario exists for more than 20 years.

4] Considering the aforesaid conspectus, it is high time for the Authorities to take positive steps. The very purpose of local self Government is defeated by more than 50% seats remaining vacant. The purpose of village being included in the scheduled area is not fructified nor the democratic principles are implemented. We expect that the respondents shall take further steps so that all the seats in the Grampanchayat Khambala are to be filled in.

5] We are informed that the District Collector has already forwarded the proposal to respondent no.5 for change in the reservation. Respondent no.5 and / or the Competent Authority shall take decision upon the said proposal, preferably within two months so that further steps can be undertaken by the State Election Commission.

6] With the above observations, Writ Petition is disposed of.

7] In view of disposal of the Writ Petition, Civil Application No.3609 of 2019 stands also disposed of.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

DDC