

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12786 OF 2022

RAMA S/O BHIMRAO MHASKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for petitioner : Mr. Abhay R. Rathod
AGP for the respondent – State : Mr. A.R. Kale
Advocate for the respondents nos. 2 to 4 : Mr. A.B. Kadethankar
...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.**

DATE : 14 DECEMBER 2022

ORDER (MANGESH S. PATIL, J.) :

Heard.

2. The petitioner claims that in spite of the directions of the Supreme Court not to provide for any reservation for other backward classes in gram panchayat elections, a seat of *Sarpanch* has been reserved for the OBC category and is seeking the respondents to reserve the seat for scheduled caste as per the population data.

3. We have heard the learned advocate Mr. Rathod for the petitioner as also the learned AGP Mr. Kale and advocate Mr. Kadethankar who appears for respondents nos. 2 to 4.

4. There cannot any dispute that the reservation was prescribed in the year 2020 and for a period 2020 to 2025. The reservation must have been stipulated taking into account the roaster comprising of several gram panchayats. The election programme has already commenced with issuance of notification on 18-11-2022. 7 December 2022 was the date for publishing the names of the valid candidates and allotment of symbols and only voting has remained to take place which is scheduled on 18 December 2022.

5. Any interference at this stage would have a cascading effect inasmuch as it is according to the roaster the reservations are prescribed, therefore, irrespective of the merits or otherwise of the petitioner's claim, we are not inclined to invoke the powers under Article 226 of the Constitution of India.

6. The petition is disposed of.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/