

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

WRIT PETITION NO.4681 OF 2023

GANPAT GULAB JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...
Advocate for Petitioner :Mr. Shrikant G. Kawade
AGP for Respondents: Mr. PK. Lakhotiya.

**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 24th APRIL, 2023

P.C.:-

Petitioner, a voter in Gram Panchayat, Bapkal, Taluka and District Jalna, is questioning the proceeding of the special meeting dated May 2, 2022, wherein, the post of Sarpanch of the said village panchayat came to be reserved for a candidate belonging to OBC category.

2. The contentions of the learned counsel for the petitioner are :-

On an earlier occasion, by a draw of lots, said post was ordered to be reserved for a candidate belonging to OBC category and as such, one Smt. Rukhminibai Shinde, a candidate from the OBC category was elected as Sarpanch. According to him, pursuant to direction issued by the Apex court, since the elections were held to be illegal as the reservation of the post was unconstitutional, the election of said Rukhminibai Shinde was in cloud. As such, she resigned from the post of

Sarpanch. According to him on April 21, 2022, the respondent Collector has issued directions to the respondent No.4 Tahsildar, who, in turn, appointed one V.D. Chavan, as Returning officer for the election of the post of Sarpanch. According to him, once the Apex Court has held that the post cannot be reserved for OBC category, as the same sans the legal backing, the post ought not to have been reserved for OBC category. Fact remains that the decision to reserve said post was taken way back in 2022 i.e. almost an year before.

3. The petitioner, who is neither a member of the village panchayat nor a person shown to be interested, is questioning the same without any locus.

4. Apart from above, the fact remains that the petitioner is unable to demonstrate subsequent developments after the erstwhile Sarpanch Rukhminibai Shinde resigned from the post, pursuant to the order of the Supreme Court, particularly, re-organization of the reservation for the post of Sarpanch.

5. In view of above, it has to be held that the petitioner is unable to discharge his burden. That being so, no case for interference is made out. Petition, as such, is dismissed.

[S.G. CHAPALGAONKAR]
JUDGE

[NITIN W. SAMBRE]
JUDGE