

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11880 OF 2025

Dnyanoba Bhiva Kamble

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

WITH

WRIT PETITION NO.11878 OF 2025

WRIT PETITION NO.13515 OF 2025

WRIT PETITION NO.13518 OF 2025

WRIT PETITION NO.14728 OF 2025

WRIT PETITION NO.14753 OF 2025

WRIT PETITION NO.14767 OF 2025

WRIT PETITION NO.14799 OF 2025

WRIT PETITION NO.14809 OF 2025

WRIT PETITION NO.14828 OF 2025

WRIT PETITION NO.14820 OF 2025

WRIT PETITION NO.14821 OF 2025

WRIT PETITION NO.14832 OF 2025

WRIT PETITION NO.14842 OF 2025

WRIT PETITION NO.14851 OF 2025

WRIT PETITION NO.14848 OF 2025

WRIT PETITION NO.14886 OF 2025

WRIT PETITION NO.14875 OF 2025

WRIT PETITION NO.14854 OF 2025

WRIT PETITION NO.14859 OF 2025

WRIT PETITION NO.14855 OF 2025

WRIT PETITION NO.14870 OF 2025

WRIT PETITION NO.14874 OF 2025

WRIT PETITION NO.14878 OF 2025

WRIT PETITION NO.14881 OF 2025

WRIT PETITION NO.14892 OF 2025

AND

**WRIT PETITION NOS. 11477/2025, 12216/2025, WRIT
PETITION (ST) NOS.33740/2025, 33895/2025, 33340/2025,
34566/2025 and 32796/2025 (NOT ON BOARD)**

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Mr. Akshay R. Kapadia, Adv for Petitioner in WP No. 12707/2025.
(Aurangabad Bench)

Mr. Sandeep Koregave, Adv for Petitioners in WPST No. 28940/2025, WPST No. 29929/2005, WPST 30108/2025.
(Kolhapur Bench)

Mr. Chaitanya Chavan a/w. Mr. Rahul Singh, Smt. Pranali Raut, Smt. Varsha Sawant i/b. Legal Catalyst for Petitioners in WP No. 13515/2025, WP No. 13518/2025.

Mrs. Neeta P. Karnik Senior Adv a/w. Mr. Anthony F. Foss, Adv for Petitioners in WP No.11477/2025, WP No. 12216/2025, WPST No. 33740/2025, WPST No. 33895/2025, WPST No. 33340/2025.

Smt. Jagruti Nimbalkar, Adv for Petitioner in WP No. 11880/2025.

Chaitanya Narvekar i/b. Sandeep B. Satkar, Adv for Petitioner in WP No. 13176/2025.

Mrs. Neeta Karnik Senior Adv a/w. Smt. Jagruti Nimbalkar i/b. Mr. Vivek Thakare, Adv for Petitioners in WP No. 11878/2025.

Mr. Vivek Patil, Adv for Petitioner in WP No. 14799/2025.

Mr. Dnyaneshwar Bagul, Adv for Petitioner in WP No. 14870/2024.

Mr. D. P. Palodkar a/w. Mr. Nikhil Adkine, Adv for Petitioner in WP No.14881/2025, WP No.14828/2025, WP No.14842/2025, WP No. 14832/2025, WPSTNo. 32796/2025.

Mr. Nikhil V. Adkine, Adv for Petitioner in WPST 34566/2025, WPST No. 32796/2025.

Mr. Anthony F. Foss, Adv for Petitioner in WP 11477/2025, WP No. 12216/2025, WPST No. 33740/2025, WPST No. 33895/2025.

Mr. Jovila J. Gonsalves, Adv for Petitioner in WPST No. 33340/2025.

Mr. Sachindra Shetye a/w. Mr. Akshay Pansare, Mr. Suraj Chakor,

Adv for Respondent State Election Commission in All Connected Matters.

Mr. Jagdish G. Aradwad (Reddy), Adv for Respondent No. 1 in WP No. 13518/2025.

Mrs. G. R. Raghuwanshi, A.G.P. for Respondent-State in WP 13518/2025.

Smt. Chaitrali Deshmukh, Adv for TMC-Respondent No.1 in WPST 33736/2025.

Mrs. Neha S. Bhide, G.P. a/w. Mr. P. P. Kakade, Addl G.P., Mr. O. A. Chandurkar, Addl G.P. for Respondent-State in WP 13515/2025.

Mrs. Neha S. Bhide, G.P. a/w. Mr. P. P. Kakade, Addl G.P., Mr. V. G.Badgujar, A.G.P. for Respondent-State. in WPST 34566/2025, WPST 32796/2025, WPST 33340/2025, WP 11477/2025, WP 12216/2025, WPST 33740, WPST 33895/2025.

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CORAM : SHREE CHANDRASHEKHAR, CJ & GAUTAM A. ANKHAD, J.

DATE : 3rd NOVEMBER 2025.

P.C. :

Writ Petition Nos. 11477 of 2025, 12216 of 2025 and Writ Petition (St) Nos. 33740 of 2025, 33895 of 2025 and 33340 of 2025 are not on board. Upon mentioning, these writ petitions are taken on Production Board. Ms. Nita Karnik, learned senior counsel appears for the petitioners in this batch of five writ petitions.

2. Writ Petition (St) Nos.34566 of 2025 and 32796 of 2025 are not on board. Upon mentioning these writ petitions are taken on Production Board. Mr. Nikhil Adkine, learned counsel appears for the petitioners in these two writ petitions.

3. Mr. Akshay Kapadia, the learned counsel for the petitioner in

Writ Petition No.12707 of 2025 submits that the Writ Petition No.12707 of 2025 has been filed in Aurangabad Bench of the Bombay High Court and requests to tag the said writ petition alongwith this batch of writ petitions.

4. The learned senior counsel and the learned counsels appearing for the petitioners shall take instructions and apprise the Court whether any one of the petitioners in this batch of writ petitions was the petitioner/applicant before the Hon'ble Supreme Court; one of such matter was Special Leave to Appeal (C) No.19756 of 2021 titled "*Rahul Ramesh Wagh vs. The State of Maharashtra & Ors.*" in which the following order has been passed on 16th September 2025:

"1. The controversy in the instant case pertains to the conducting of the local body elections in the State of Maharashtra. Previously, the elections could not be held on account of the dispute re: validity of reservation for Other Backward Class categories, as noted in our order dated 06.05.2025.

2. The subject-matter of challenge in the instant proceedings inter alia, thus, is the validity of the reservation recommended by the Banthia Commission for OBCs in local bodies. It is in this backdrop, that on 06.05.2025, this Court passed a reasoned order with the following directions:

"5. Consequently, subject to the outcome of these proceedings and without prejudice to the issues raised on behalf of the rival parties, we deem it appropriate to issue the following directions to the State of Maharashtra/ State Election Commission:

(i) The elections to the local bodies shall be notified by the State Election Commission within four 10 weeks;

(ii) The reservation shall be provided to the OBC communities as per the law as it existed in the State of Maharashtra prior to the 2022 Report of the Banthia Commission;

(iii) An endeavour shall be made to conclude the elections within a period of four months. However, the State Election Commission shall be at liberty to seek extension of time in appropriate cases; and

(iv) The Elections shall be held subject to the outcome of these proceedings."

3. It may be seen from paragraph 5(iii) of the above reproduced order, the elections were expected to be concluded within a period of four months, namely, by 06.09.2025. However, we are informed by learned counsel for the parties that the elections are yet to be notified. On a query, learned State counsel as well as learned counsel for the State Election Commission jointly state that:

(i) The delimitation exercise for Zila Parishads and Panchayat Samitis has been completed;

(ii) The delimitation exercise for the Municipalities and other local bodies is still going on; and

4. The State Election Commission has consequently filed an application seeking extension of time, inter alia, on the grounds that:

(a) Sufficient EVMs are not available;

(b) Due to School Education Board Examinations, the school premises will not be available for setting-up polling booths; and

(c) The Commission has not been able to requisition sufficient number of officers to perform the duties of Returning Officers and the other assisting staff.

5. We have heard learned counsel for the parties at a considerable length in this regard. At the very outset, we are constrained to observe that the State Election Commission has failed to take the desired action to ensure the compliance of our order dated 06.05.2025 and to conduct elections within the prescribed time schedule. We would once again remind all the concerned authorities that properly functioning local bodies are the very soul of a constitutional democracy.

6. That being said, and as a one-time concession with a view to ensure that there is no further impediment in conducting the elections, we deem it appropriate to issue the following directions:

(i) The pending delimitation exercise(s), in all circumstances, shall be completed by 31.10.2025. No further extension shall be granted in this regard, and it is clarified at the cost of repetition that pending delimitation exercises shall not be a ground to defer the elections any longer;

(ii) Since the School Board Examinations will take place in the month of March, 2026 – which is quite far away from the timeline we had imposed for conduct of local body elections, we reject this plea of the State Election Commission for postponement of the elections.

(iii) The Chief Secretary, State of Maharashtra is directed to immediately deploy the requisite staff for performing the election duties as may be directed by the State Election Commission.

(iv) To that end, the State Election Commissioner is directed to submit the

details of the staff that may be required by it to the Chief Secretary within two weeks. The Chief Secretary will provide the requisite staff within four weeks thereafter. The details of the officers/officials, who will be deployed for election duties, shall be furnished to the State Election Commission within four weeks.

(v) As regard to the EVMs, we direct the State Election Commissioner to make necessary arrangements and file a compliance affidavit regarding availability of the requisite EVMs by 30.11.2025.

7. The elections of all the local bodies, including the Zila Parishads, Panchayat Samitis and the Municipalities shall be conducted by 31.01.2026. It is made clear that no further extension shall be granted to the State or the State Election Commission.

8. In case the State Election Commission requires any other logistic support on the intervention of this Court, an appropriate application be filed in that regard promptly, and in any case by or before 31.10.2025. No such prayer shall be entertained thereafter.

9. At this juncture, we are informed that various writ petitions have been filed before different Benches of the High Court of Judicature at Bombay questioning the delimitation exercise or reservation of wards etc. The State of Maharashtra/State Election Commission may seek clubbing of all these petitions before one Bench and such a prayer may be sympathetically considered by the Hon'ble Chief Justice of the High Court of Judicature at Bombay.

10. Post the matters for compliance on 03.02.2026 (NMD)."

5. Post the matters on 4th November 2025.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]